

**JOURNAL**  
**OF THE**  
**HOUSE OF REPRESENTATIVES**  
**OF THE**  
**GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF ALABAMA,**  
**BEGUN AND HELD**  
**IN THE CITY OF TUSKALOOSA,**  
**ON THE**  
**FIRST MONDAY IN NOVEMBER,**  
**1841.**

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**TUSKALOOSA:**  
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**1842.**

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# JOURNAL

## OF THE

# HOUSE OF REPRESENTATIVES.

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TUSCALOOSA, MONDAY, November 1, 1841.

On Monday, the 1st day of November, in the year of our Lord, one thousand eight hundred and forty-one, and the day fixed by law for the meeting of the General Assembly of the State of Alabama, the following members of the House of Representatives, appeared in the Representative Hall of the State Capitol, in the city of Tuscaloosa, were qualified and took their seats, to wit:

From the County of Autaugaa,.....	WILLIAM L. MORGAN.
“ “ “ .....	JOHN STEELE.
Baldwin, .....	GERALD B. HALL.
Barbour,.....	JOHN L. HUNTER.
“ .....	HUGH N. CRAWFORD.
Benton,.....	THOMAS A. WALKER.
“ .....	MATTHEW ALLEN.
“ .....	JOHN COCHRAN.
Bibb,.....	DAVID E. DAVIS.
“ .....	EZEKIEL HENRY.
Blount, .....	IRA E. McMILLION.
“ .....	WILLIAM H. MUSGROVE.
Butler, .....	WALTER H. CRENSHAW.
“ .....	JOSEPH RHODES.
Chambers, .....	CHARLES McLEMORE.
“ .....	MATTHEW PHILLIPS.
Cherokee,.....	JOHN H. GARRETT.
“ .....	WM. HENSLEE.
Clarke, .....	LORENZO JAMES.
Conecuh, .....	CHURCHILL JONES.
Coosa, .....	WILLIAM L. YANCEY.
Covington, .....	JOSIAH JONES.
Dallas, .....	DAN'L H. NORWOOD.
“ .....	WM. H. NORRIS.
Dale,.....	ABRAM H. JUSTICE.
DeKalb, .....	WM. O. WINSTON.
“ .....	THO'S J. ROBERTS.

Fayette, .....	WM. S. TAYLOR.
" .....	E. MARCHBANKS.
Franklin, .....	F. G. NORMAN.
" .....	B. R. GARLAND.
" .....	BENJ. REYNOLDS.
Greene, .....	ELISHA YOUNG.
" .....	SOLOMON McALPIN.
" .....	JAMES CHILES.
Henry, .....	A. J. McALLISTER.
" .....	BARTLETT SMITH.
Jackson, .....	WM. L. GRIFFIN.
" .....	JAMES SMITH.
" .....	PHILLIP H. AMBRISTER.
" .....	WM. M. KING.
Jefferson, .....	L. G. McMILLION.
" .....	JEREMIAH RANDOLPH.
Lawrence, .....	TANDY W. WALKER.
" .....	DENTON H. VALLIANT.
" .....	CHARLES BARKER.
Lauderdale, .....	J. R. ALEXANDER.
" .....	HENRY D. SMITH.
" .....	JOHN S. KENNEDY.
Limestone, .....	JOHN H. J. WYNN.
" .....	NATH'L DAVIS.
Lowndes, .....	PEYTON S. ALEXANDER.
" .....	J. W. MUNDAY.
Madison, .....	DAVID MOORE.
" .....	GEO. T. JONES.
" .....	THOMAS HAUGHTON.
Marion, .....	JOSHUA BURLISON.
Macon, .....	NATHANIEL J. SCOTT.
Marshall, .....	WILLIAM M. GRIFFIN.
" .....	JAMES FLETCHER.
Mobile, .....	JOHN B. HOGAN.
" .....	BLANTON McALPIN.
" .....	ROBERT C. McALPIN.
Monroe, .....	E. T. BROUGHTON.
Morgan, .....	CHARLES E. B. STRODE.
" .....	M. M. TROUP.
Montgomery, .....	ROBERT J. WARE.
" .....	JOSEPH J. HUTCHINSON.
Perry, .....	JOHN BARRON.
" .....	ALEXANDER Q. BRADLEY.
" .....	BENJAMIN FORD.
Pickens, .....	R. GARDNER.
" .....	E. C. WALLIS.
Pike, .....	NORMAN McLEOD.
" .....	J. B. STENSON.
Randolph, .....	WYATT HEFLIN.
Russe'll, .....	BRITTAIN D. HARRIS.

Shelby, .....	WADE H. GRIFFIN.
" .....	JOHN S. STORRS.
St. Clair, .....	RICHARD HAMMOND.
Sumter, .....	JAMES M. RUSHING.
" .....	H. W. COVINGTON.
Talladega, .....	JOHN W. BISHOP.
" .....	SAM'L F. RICE.
Tallapoosa, .....	LEROY GRESHAM.
Tuscaloosa, .....	HARDIN PERKINS.
" .....	R. JEMISON, jr.
" .....	JABEZ MITCHELL.
" .....	WILLIAM R. SMITH.
Walker, .....	JAMES CAIN.
Washington, .....	SAMUEL S. HOUSTON.
Wilcox, .....	L. W. MASON.
" .....	THOMAS JEFFERSON.

On motion of Mr Wynn, Mr Reynolds was called to the chair, and Thomas B. Tunstall appointed clerk, pro. tem. The oaths prescribed by the constitution, as also the duelling oath was administered to the members present by the Secretary of State.

The House then proceeded to the election of Speaker, DAVID MOORE, a Representative from the county of Madison, alone being in nomination.

Those who voted for Mr Moore, are, messrs Alexander of Laud., Alexander of Lowndes, Ambrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Fletcher, Gardner, Garland, Garrett, Gresham, Griffin of J., Griffin of M., Griffin of S., Hall, Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hogan, Houston, Hunter, Hutchinson, Jones of Con. Jones of Cov., Jones of M., James, Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, McAllister, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McLeod, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Munday, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H. Smith of J. Smith of L. Smith of T., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L. Wallace, Ware, Winston, Wynn, Yancy, and Young.

The Hon. David Moore, having received the whole number of votes given, Mr Chairman declared him duly elected Speaker of the House of Representatives, for the present session. He was conducted to the chair by messrs Young and Wynn; made his acknowledgements to the House for the honor conferred, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a Principal Clerk; THOMAS B. TUNSTALL, alone being in nomination.

Those who voted for Mr Tunstall, are, messrs Speaker, Alexander of Laud. Alexander of Lowndes, Allen, Ambrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Fletcher, Ford, Gardner, Garland, Garrett, Gresham, Griffin of J., Griffin of M., Griffin of S., Hall, Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hogan, Houston, Hunter, Hutchinson, Jones of Con., Jones of Cov., Jones of M., James, Jefferson, Jemison, Justice, Kennedy, King,

Marchbanks, Mason, McAllister, B. McAlpin, R. McAlpin, S. McAlpin, Mc-  
Lemore, McLeod, McMillion of B., McMillion of J., Mitchell, Musgrove,  
Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds,  
Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H., Smith of J., Smith of T.  
Steele, Storrs, Strobe, Stinson, Taylor, Troup, Valliant, Walker of B., Walk-  
er of L., Wallace, Ware, Winston, Wynn, Yancy, and Young—93.

Thomas B. Tunstall, having received the whole number of votes given, Mr Speaker declared him duly elected Principal Clerk of this House; he was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a Door-keeper, JAMES H. OWEN, alone being in nomination.

Those who voted for Mr Owen, are, messrs Speaker, Alexander of Laud. Alexander of Lowndes, Allen, Ambrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Fletcher, Ford, Gardner, Garland, Garrett, Gresham, Griffin of J., Griffin of M., Griffin of S., Hall, Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hogan, Houston, Hunter, Hutchinson, Jones of Con. Jones of Cov. Jones of M., James, Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, McAllister, B. McAlpin, R. McAlpin, S. McAlpin, McLe-  
more, McLeod, McMillion of B. McMillion of J., Mitchell, Morgan, Musgrove, Munday, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H., Smith of J., Smith of L., Smith of T., Steele, Storrs, Strobe, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Wynn, Yancy, and Young.—95.

Mr Owen having received the whole number of votes given, Mr Speaker declared him duly elected Door-keeper for this House; was duly qualified, and entered upon the discharge of the duties of his office.

The House next proceeded to the election of an Assistant Clerk, JOSEPH PHELAN, and ALGERNON COOK, being in nomination.

Those who voted for Mr Phelan, are; messrs Speaker, Alexander of Laud. Allen, Ambrister, Barker, Burleson, Cain, Cochran, Davis of L. Fletcher, Gar-  
rett, Griffin of J., Griffin of M., Hammond, Haughton, Henslee, Houston, Jones of Cov., Jones of M., Kennedy, King, Marchbanks, McAllister, McMillion of B., McMillion of J., Musgrove, Norman, Randolph, Reynolds, Rodgers, Rushing, Smith of J., Smith of L., Smith of T., Strobe, Taylor, Troup, Valliant, Walker of B., Walker of L., Winston, and Wynn—42.

Those who voted for Mr Cook, are, messrs Alexander of Lowndes, Barron, Bishop, Bradley, Broughton, Chiles, Covington, Crenshaw, Crawford, Davis of B., Ford, Gardner, Garland, Gresham, Griffin of S., Hall, Harris, Heflin, Henry, Hogan, Hunter, Hutchinson, Jones of Con., James, Jefferson, Jemison, Justice, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Morgan, Mundy, Norris, Perkins, Phillips, Rice, Rhodes, Scott, Smith of H., Steele, Storrs, Stinson, Wallace, Ware, Yancy and Young.—50.

Mr Cook having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Assistant Clerk of this House; he was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of Engrossing Clerk: Messrs Bibb, Dowthit and Wood being in nomination.

Those who voted for Mr Bibb are Messrs Speaker, Alexander of Lauderdale, Ambrister, Barron, Bradley, Broughton, Burleson, Davis of L. Fletcher.

er, Ford, Garland, Garrett, Griffin of J., Griffin of M., Hall, Harris, Haughton, Hogan, Houston, Hutchinson, Jones of Cov., Jones of M., James, Kennedy, Marchbanks, Mason, McAllister, B. McAlpin, R. McAlpin, McMillion of B., McMillion of J., Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rhodes, Rushing, Smith of H., Smith of J., Smith of L., Steele, Strode, Taylor, Troup, Walker of Law., Ware, Wynn and Yancy.—50.

Those who voted for Mr. Dowthit, are Messrs Alexander of Low., Allen, Barker, Chiles, Cochran, Covington, Crenshaw, Crawford, Gardner, Gresham, Henslee, Hunter, Jefferson, Jemison, Justice, S. McAlpin, McLemore, Mitchell, Mundy, Norris, Norwood, Perkins, Rodgers, Scott, Smith of T., Walker of B., Wallace, Winston and Young.—29.

Those who voted for Mr Wood, are Messrs Bishop, Cain, Davis of B., Griffin of S., Hammond, Peflin, Henry, Jones of Cov., King, McLeod, Rice, Storrs, Stinson and Valliant.—14.

Mr Bibb having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Engrossing Clerk of the House. He was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of Messenger: Messrs TAYLOR, TOWNSEND, McMILLION, HESTER, DAVIS, HICKEY, STROUP, MERRITT, GLEASON and FERGURSON being in nomination.

Those who voted for Mr Taylor are, Messrs Speaker, Bishop, Burleson, Davis of L., Garrett, Griffin of J., Hall, Haughton, Heflin, Marchbanks, McAllister, B. McAlpin, R. McAlpin, McLeod, Phillips, Rushing, Smith of H., Taylor and Yancy.

Those who voted for Mr Townsend, are Messrs Barker, Bishop, Broughton, Chiles, Covington, Crawford, Fletcher, Gresham, Harris, Hutchinson, Jones of Cov., Jemison, Justice, Mason, S. McAlpin, McLemore, Norwood, Perkins, Scott and Young.

Those who voted for Mr McMillion, are Messrs Cochran, Jones of M., McMillion of J., Randolph, Smith of J., Smith of L. and Walker of B.

Those who voted for Mr Hester, are Messrs Barker, Garland, Houston, Jones, Jefferson, Norman, Reynolds and Rhodes.

Those who voted for Mr Davis, are Messrs Crenshaw, Davis of B., Gardner, Henry, Morgan, Norris, Rice, Steele, Storrs, Wallace and Ware.

Those who voted for Mr Hickey, are Messrs Allen, Ambrister, Fletcher, Griffin of M., Griffin of S., Hammond, Henslee, Jones of Cov., King and Rodgers.

They who voted for Mr Merritt, are Mr Alexander of Laud.

Those who voted for Mr Troup, are Messrs Cain, Strode, Troup, Valliant, Walker of Law., and Wynn.

Those who voted for Mr Gleason, are Messrs Alexander of Low., Hunter, Mitchell, Mundy and Smith of T.

Those who voted for Mr Fergurson, are Messrs Hogan, Kennedy, McMillion of B., Musgrove, Stinson and Winston.

No one of the candidates having received a majority of the whole number of votes given, the House again proceeded to the election, the same persons being in nomination.

Those who voted for Mr Taylor, are Messrs Speaker, Bishop, Burleson, Davis of L., Hall, Haughton, Heflin, Houston, Marchbanks, McAllister, B. McAlpin, R. McAlpin, McLsod, Phillips, Rushing, Smith of H., Taylor and Yancy.

Those who voted for mr Townsend, are Messrs Barron, Bradley, Broughton, Cain, Chiles, Covington, Crawford, Ford, Gardner, Gresham, Harris, Hutchinson, Jones of Cov. Jemison, Mason, S. McAlpin, McLemore, Mitchell, Mundy, Norris, Norwood, Perkins, Scott, Smith of T., Wallace and Young.

Those who voted for mr McMillion, are Messrs Cochran, Hogan, Hunter, Jones of M., McMillion of J., Randolph, Smith of J., Walker of B., and Winston.

Those who voted for mr Hester, are Messrs Barker, Garland, Jones, Jefferson, Norman, Reynolds and Rhodes.

Those who voted for mr Davis, are Messrs Crenshaw, Davis of B., Griffin of J., Griffin of S., Heflin, Justice, Morgan, Rice, Steele, Storrs, and Ware.

Those who voted for mr Hickey, are Messrs Allen, Ambrister, Fletcher, Griffin of M., Hammond, Henslee, Jones of Cov., King and Rodgers.

Those who voted for mr Stroup, are Messrs Strode, Troup, Valliant, Walker of Law., and Wynn.

Those who voted for mr Merritt, are mr Alexander of Laud.

Those who voted for Mr Ferguson, are Messrs McMillion of B., Kennedy, Musgrove, Smith of Laud., and Stinson.

No one of the candidates having received a majority of the votes, the House again proceeded to the election, the same persons being in nomination.

Those who voted for mr Taylor, are messrs Speaker, Burleson, Griffin of J. Hall, Hammond, Haughton, Heflin, Houston, Hunter, Jones of Cov. Jones m. Marchbanks, McAllister, B. McAlpin, McLeod, Rushing, Smith, of H. Smith of L. Taylor, Valliant, and Yancey.

Those who voted for mr Townsend, are messrs Alexander of Low. Barron, Bradley, Broughton, Cain, Chiles, Covington, Crawford, Ford, Gardner, Garland, Gresham, Harris, Hutchinson, Jones of Con. James, Jefferson, Jemison, Justice, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T. Stinson and Young.

Those who voted for mr McMillion, are messrs Allen, Davis of L. McMillion of B. McMillion of J. Randolph, Smith of J. Walker of B. Winston and Wynn.

Those who voted for mr Hester, are messrs Barker, Norman and Reynolds.

Those who voted for mr Davis, are messrs Bishop, Crenshaw, Davis of B. Griffin of S. Henry, Kennedy, Morgan, Rice, Steele, Storrs and Ware.

Those who voted for mr Hickey, are messrs Ambrister, Fletcher, Griffin of m. Henslee, King and Rodgers.

Those who voted for mr Stroup, are messrs Phillips, Strode, Troup, Walker of Law. and Wallace.

Those who voted for mr Merritt, are mr Alexander of Laud.

Those who voted for mr Ferguson, are mr Musgrove.

No one of the candidates having received a majority of the votes, the House again proceeded to the election.

Those who voted for mr Taylor, are messrs Speaker, Alexander of Laud. Allen, Bishop, Burleson, Davis of L. Hall, Hammond, Haughton, Heflin, Houston, Hunter, Jones of Cov. Jones of Mad. Marchbanks, McAllister, B. McAlpin, McLeod, Norman, Phillips, Reynolds, Rushing, Smith of H. Taylor, Wynn and Yancey.

Those who voted for mr Townsend, are messrs Alexander of Low. Barron, Bradley, Broughton, Cain, Chiles, Covington, Crawford, Ford, Garland, Gardner, Gresham, Harris, Hutchinson, Jones of Con. James, Jefferson, Jemison, Mason, R McAlpin, S McAlpin, McLemore, Mitchell, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T. Stinson, Troup and Young.

Those who voted for mr McMillion, are messrs Henslee, McMillion of B. McMillion of J. Musgrove, Randolph, Rodgers, Smith of J. Walker of B. and Winston.

Those who voted for mr Davis, are messrs Crenshaw, Davis of B. Griffin of S. Henry, Justice, Kennedy, Morgan, Rice, Smith of Saud. Steele, Storrs and Ware.

Those who voted for mr Hickey, are messrs Ambrister, Fletcher, Griffin of J. Griffin of M. and King.

Those who voted for mr Stroup, are messrs Barker, Strode, Valliant, Walker of L. and Wallace.

No one of the candidates having received a majority of the votes, the House again proceeded to the election.

Those who voted for mr Taylor, are messrs Speaker, Alexander of Laud. Allen, Ambrister, Bishop, Burleson, Davis of L. Garland, Griffin of J. Hall, Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, Jones of Cov. Jones of M. Kennedy, Marchbanks, McAllister, B McAlpin, McLeod, Morgan, Norman, Phillips, Reynolds, Rushing, Smith of J. Smith of L. Steele, Taylor, Valliant and Wynn.

Those who voted for mr Townsend, are messrs Alexander of Low. Barker, Barron, Bradley, Broughton, Cain, Chiles, Covington, Crawford, Ford, Gardner, Gresham, Harris, Hutchinson, Jones of Con. Jefferson, Jemison, Justice, Mason, R McAlpin, S McAlpin, McLemore, Mitchell, mundy, Norwood, Perkins, Rhodes, Scott, Stinson and Young.

Those who voted for mr McMillion, are messrs McMillion of B. McMillion of J. Musgrove, Randolph, Rodgers, Walker of B. Winston and Yancey.

Those who voted for mr Davis, are messrs Crenshaw, Davis of B. Griffin of S. Henry, Norris, Rice, Storrs, and Ware.

Those who voted for mr Hickey are messrs Fletcher, Griffin of M. and King.

Those who voted for mr Stroup, are messrs Strode, Troup, Walker of Law. and Wallace.

No one of the candidates having received a majority of the votes given, the House again proceeded to the election.

Those who voted for mr Taylor are messrs Speaker, Ambrister, Barker, Bishop, Davis of L. Garland, Griffin of J. Hall, Hammond, Haughton, Heflin, Henslee, Hogan, Hunter, Houston, Jones of Cov. Jones of M. Marchbanks, McAllister, B McAlpin, R McAlpin, McLeod, Norman, Reynolds, Rushing, Smith of H. Smith of J. Smith of L, Strode, Taylor, Walker of L. Winston, Wynn and Yancey.

Those who voted for mr. McMillion, are messrs. Allen, covington, Fletcher, King, S. mcAlpin, mcMillion of B. mcMillion of J. Musgrove, Randolph, Rodgers, Walker of B. and Troup.

Those who voted for mr Davis are messrs Alexander of Laud. Alexander of Low. Barron, Bradley Broughton, Chiles, Crenshaw, Crawford, Davis of B., Ford, Gardner, Gresham, Griffin of M. Griffin of S. Henry, Hutchinson,



Jones of Con. Jefferson, Jemison, Justice, Kennedy, Mason, McLemore Mitchell, Musgrove, Mundy, Norris, Norwood, Perkins, Phillips, Scott, Smith of T. Steele, Storrs, Stinson, Wallace, Ware and Young.

No one of the candidate having received a majority of the votes given, the House again proceeded to the election.

Those who voted for mr. Taylor, are messrs. Speaker, Ambrister, Bishop, Burleson, Davis of L. Garland, Griffin of J. Hall, Hammond, Haughton, Heflin, Henslee, Hogan, Hunter, Jones of Cov. Jones of Mad. King, Marchbanks, mcAllister, B. McAlpin, McLeod, mcMillion of J. Musgrove, Norman, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of H. Smith of J. Smith of L. Strode, Taylor, Troup, Valiant, Walker of L. Winston, Wynn and Yancey.

Those who voted for mr. Davis, are messrs Alexander of Laud. Alexander of Low. Allen, Barker, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B. Fletcher, Ford, Gardner, Gresham, Griffin of M. Griffin of S. Harris, Henry, Hutchinson, Jones of Con. Jefferson, Jemison, Justice, Kennedy, mason, R mcAlpin, S mcAlpin, McLemore, mitchell, morgan, mundy, Norris, Norwood, Perkins, Rice, Rhodes, Scott, Smith of T. Steele, Storrs, Stinson, Walker of B. Wallace Ware, and Young.

Mr Perkins moved that the house adjourn until to-morrow morning 10 o'clock, which was lost.

The House proceeded again to the election of mrsenger.

Those who voted for mr Taylor, are messrs Speaker, Alexander of Laud. Ambrister, Barker, Bishop, Burleson, Cain, Davis of L. Griffin of J. Hall, Hammond, Haughton, Heflin Henslee, Hogan, Houston, Hunter, Jones of Con. Jones of mad. King, marchbanks, mcAllister, B mcAlpin, R mcAlpin, McLeod, mcMillion of J. musgrove, Norman, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of H. Smith of J., Smith of L., Strode, Taylor, Troup, Valiant, Walker of L. Winston, Wynn and Yancey.

Those who voted for mr Davis, are messrs Alexander of Low. Allen, Barron, Bradley, Broughton, Chiles, Covington, Crenshaw, Crawford, Davis of B. Fletcher, Ford, Gardner, Garland, Gresham, Griffin of m. Griffin of S. Harris, Henry, Hutchinson, Jones of Con. Jefferson, Jemison, Justice, Kennedy, mason, S mcAlpin, McLemore, mitchell, mundy, Norris, Norwood, Perkins, Rice, Rhodes, Scott, Smith of T. Steele, Storrs, Stinson, Walker of B. Walker of L. Ware and Young.

Mr Davis having received the majority of votes given mr Speaker declared him duly elected Messenger of this House: he was qualified and proceeded to discharge the duties of his office.

On motion of Mr. Wynn,

*Resolved*, That the Senate be informed that the House of Representatives have organized by electing the Hon. David Moore, Speaker; Thomas B. Tunstall, Principal Clerk; Algernon Cook, Assistant Clerk; Wilson C. Bibb, Engrossing Clerk; James H. Owen, Doorkeeper; and Crockett Davis. Messenger; and are now ready to proceed to business.

On motion of Mr. Reynolds,

*Resolved*, That the rules adopted for the House of Representatives at the last session, be adopted until otherwise ordered.

A message was received from the Senate, by Mr. Clitherall, their assistant Secretary.

*Mr. Speaker:* I am instructed by the Senate to inform the House of



Representatives, that a quorum of the Senate have convened in the Senate chamber, and are now ready to proceed to the transaction of public business—having organized by electing the Hon. Nathaniel Terry, President; B. A. Philpott, Secretary; George B. Clitherall, Assistant Secretary; and C. C. Donoho, Doorkeeper.

The Senate has also adopted the following resolution, viz:

*Resolved*, That a committee of three be appointed by the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait upon his Excellency the Governor, and inform him of the organization of the two Houses, and that they are ready to receive any communication that he may think proper to make to them.

Whereupon, Messrs. Hudson, McVay and Reese, were appointed said committee.

In which resolution the House concurred.

Whereupon, Messrs. Reynolds, McAlpin of Greene, and Hogan, were appointed said committee.

*Ordered*, That the Clerk acquaint the Senate therewith.

On motion of Mr. Mitchell,

*Resolved*, That the following standing committees be appointed, to-wit:

A Committee on Privileges and Elections.

“ on Enrolled Bills.

“ on Internal Improvements.

“ on Roads, Bridges and Ferries.

“ on Ways and Means.

“ on the Military.

“ on County Boundaries.

“ on Education.

“ on Accounts.

“ on Divorce and Alimony.

“ on the State Bank and Branches.

“ on the State Capitol.

“ on Public Printing.

“ on the Judiciary.

“ on Propositions and Grievances.

“ on Agriculture.

And the House adjourned until to-morrow morning 10 o'clock.

TUESDAY, Nov. 2, 1841.

The House met pursuant to adjournment.

On motion of Mr. Rice,

*Resolved*, That the Editors of the newspapers published in this State, or the Reporters for the same be admitted to seats within the bar of the House for the purpose of reporting the proceedings of the House.

On motion of Mr. Reynolds,

*Resolved*, That one hundred copies of the rules of this House be printed for the use of this House.

Mr. Rice introduced a bill to repeal the general ticket system, and for other purposes, which was read and ordered to a second reading.

Mr. Young offered the following as an amendment to the twenty-second rule: “Strike out in the 22d rule, the words *and further debate*, and insert the words, *but not debate*,” which lies over one day for consideration.

Mr. Reynolds made the following report:

The Joint Select Committee appointed to wait on the Governor and inform him of the organization of both branches of the General Assembly, and their willingness to receive any communication which he might please to make to them, beg leave to report that they have discharged that duty, and that they have received for answer, that he will make his communication in writing this day at 11 o'clock, A. M.

*Ordered*, That said report lie on the table.

Mr. Speaker laid before the House the following communication:

UNIVERSITY OF ALABAMA, NOV. 2, 1841.

*To the Honorable the Speaker of the House of*

*Representatives of the State of Alabama:*

Sir—The senior class in the University of the State, will be under examination as candidates for degrees, on Wednesday, Thursday and Friday of this week. Hours of examination, at 9 to 11 o'clock, A. M. and 2 to 4 o'clock, P. M. I beg leave, respectfully, to invite you, and through you the Honorable Representatives individually, to attend, so far as public business and convenience may permit.

With high respect, your obedient servant,

B. MANLY, Pres't. University of Alabama.

*Ordered*, that said communication lie on the table.

The annual communication of his Excellency the Governor, was handed in at the Speaker's chair, by his private Secretary James D. Bagby, and then he withdrew—which said communication is as follows, to-wit:

EXECUTIVE DEPARTMENT, }

TUSCALOOSA, November 1st, 1841. }

*Gentlemen of the Senate,*

*and of House of Representatives:*

Nothing is better calculated to illustrate the excellence and beauty of our representative system, than the recurrence of the seasons, and of events, by which the chosen representatives of a free people annually assemble, at the capitol of the State, for the purpose of making suitable returns for the confidence reposed in them, by the enactment of wise and salutary laws, and throwing additional safeguards around the essential rights of life, liberty and property. It is for these high purposes you are now assembled—and no doubt is entertained, that the elevated character and importance of the trust confided to your patriotism, intelligence and virtue, will sufficiently admonish you of the solemn obligation you are under to perform the duties arising from that trust, with perfect fidelity. Tendering you my most cordial and respectful salutations, and repeating the assurance heretofore given, of my perfect readiness heartily to co-operate with you in all measures having a tendency to promote the public good—let us unite in supplicating the Divine Goodness to over-rule and direct all our proceedings in such a manner as to promote the best interests of the people of Alabama, and furnish an example worthy the imitation of after times.

In the history of the past year, nothing has occurred in our public affairs out of the ordinary course of events. Every branch of industry is likely to meet a corresponding reward; and it is a source of peculiar satisfaction to be enabled to remark, that, by a most praiseworthy and commendable system of frugality and industry, the people are rapidly extricating themselves from

the pecuniary embarrassments almost necessarily and inseparably incident to a season of apparent prosperity, and of actual exertion, speculation and enterprise, like that through which we, in common with others, have recently passed. With annual and increasing exports of upwards of twenty millions of dollars, and with vast resources not yet fully developed, and, consequently unproductive, nothing is wanting but perseverance in the habits of industry so happily begun, and now in successful operation, to enable Alabama to progress rapidly in the onward march to the high rank she is destined to attain among the States of the American Union. To exalt her to that proud station, should be the incessant object of her public servants.

Under the act of the 9th of January, 1841, entitled "An act to wind up the land office at Courtland," I appointed Robert Fenner and R. B. Jones, Esq's, commissioners to make final settlement with the Register and Receiver, and with all other officers connected with said office, whose accounts were unsettled. This duty was promptly performed by the commissioners, and I am happy to be able to say that the business of said office had been conducted with perfect fidelity. The books and papers pertaining to the office, have, according to the provisions of the act for winding up its affairs, been transferred to the office of the Secretary of State. The report of the commissioners will, no doubt, be communicated to you in due time: and as the act under which they were appointed made no provision for their compensation, it will become your duty to make a suitable provision upon that subject. The expense of transferring the books and papers from Courtland to the State Department was paid out of the contingent fund.

In fulfilment of the duty imposed on the Executive, by the act of the 9th January, 1841, entitled "An act in relation to the public arms," I completed the Board of commissioners created by the act for the erection of the State Capitol, by adding to the number John D. Phelan, Dennis Dent, and Jones M. Withers; and the commissioners, after the Board was organized, purchased a building already erected, in an eligible part of the city, for a State Arsenal, for three thousand dollars—provided the Legislature should sanction it. Fully satisfied that the commissioners consulted the interest of the State, in purchasing, rather than building, and that the house and lot purchased are richly worth the money agreed to be paid for them, I respectfully recommend that the contract be ratified by the Legislature, and that a further appropriation be made in order to pay for them, (including, of course, the portion of the appropriation heretofore made and applied to that object.) A part of the former appropriation, as will be seen from the Comptroller's report, was reserved, by the commissioners, for the purpose of making the necessary repairs and alteration in the building purchased, to adapt it to the use intended to be made of it. Good and sufficient titles have already been executed to the State, to the property in question.

The act making it my duty to cause the camp equipage, furnished at the expense of the State, to be sold, in those brigades of Militia in which encampment drills have been abolished, has not been complied with. It occurred to me, on reflection, that the attempt to sell these articles would result, almost certainly, in nearly the entire loss of the amount expended in their purchase. I therefore considered that it would be better to have them brought to the seat of Government, and deposited in the public Arsenal, which is sufficiently capacious to hold them, and where they can be taken care of with very

little additional trouble or expense. In order to prevent the further accumulation of expense on this subject, I caused an order to be issued on the 25th day of June, 1841, to prohibit the further purchase of articles of this description, at the expense of the State—and informing Brigadier Generals commanding brigades in which the encampment drills had not been abolished, and which were unfurnished with camp equipage, that they could be supplied from those in which camp equipage had been furnished, and in which the drills were abolished.

I have found it impracticable to sell the Reports of the Decisions of the Supreme Court, at the price fixed by the joint resolution of the 15th December, 1840—nor do I think it at all probable that all of them can ever be sold at that price. The truth is, that the number of some of the volumes now in the Library, greatly exceeds any demand likely to arise for them. I respectfully recommend to the General Assembly such further legislation upon the subject as, in their judgment, may be most likely to reimburse the amount expended in their publication. I have continued to deposite them with the booksellers in Tuscaloosa, to be sold on account of the State, in the same manner they were disposed of before the passage of the law above referred to.

In connection with this subject, I beg leave to bring to your notice, the propriety of providing for a new and more perfect Digest of the Laws of Alabama. Among other reasons for making this suggestion, it may be remarked, that the number of copies of the last edition is entirely exhausted, and that it was found necessary, after the last general election for county officers to purchase fifty copies of the Digest, in order to supply all the counties—which were paid for out of the proceeds of the sales of the Reports, as will be seen by reference to the account of J. Lacy & Co.

The building of the Penitentiary was completed and the keys delivered to the commissioners on the 27th ultimo.—The report of the commissioners will, in a few days, give you particular information in relation to the fulfilment of the contract, and the style and manner of the workmanship.

I look with confident expectation to this institution, as one likely to be productive of the most salutary effect, both in the prevention and punishment of crime; and, indeed, as the only system which can carry out that great principle of humanity and benevolence engrafted upon our Constitution, and which reflects imperishable credit upon its framers; which requires that our penal code shall be founded on principles of reformation, and not of vindictive justice. The success and the salutary effects of this system, however must depend, in a great measure, upon the wisdom of the Legislature in adapting to each offence a punishment proportioned to its magnitude—taking care never to exceed, in the way of punishment, the bounds of enlightened and virtuous public opinion; for it may be affirmed of every country having the semblance of freedom, and especially of our own free and happy land, that penal enactments will never be carried into effect where, in the opinion of the great body of the people, they are too severe.

True policy, therefore, and a desire to see such laws as may be enacted carried into effect, should always induce us to lean to the side of clemency and moderation.

Inasmuch as I have but recently been officially informed, by the commissioners, of the completion of the building, I have not issued a proclamation giving effect and operation to the penal code. That will be done in a few days.

The Banking system of the State of Alabama, continues to be a subject of increasing solicitude and anxiety with the community at large, and will, I trust, commend itself to the early and diligent attention of the General Assembly. This system has been in operation eighteen years. In that time it has experienced all the vicissitudes of prosperity and adversity, to which a period of that duration subjects human institutions. It has passed through seasons of great prosperity, calculated to develope and unfold its abilities and usefulness; and it has experienced the wintry gale of adversity to a sufficient extent to test its energies, and the correctness of the principles on which it is founded. Aided by the full light of experience and intimate observation, through a long series of years, the grave and important questions now presented, for the deliberate consideration of the General Assembly, are, whether, upon a full and candid review of the operation and effect of this system upon the public interest, it has answered well the ends and the objects of its establishment, by furnishing a circulation of steady undepreciated value; affording a safe depository for the public funds—and furnishes a reasonable hope that it will, by the success of its operations, continue to pay the interest on the capital stock; and finally to reimburse that capital, for the payment of which the faith and credit of the State are solemnly pledged? However gratifying it might be to a just sense of patriotism and State pride, to be able to give an affirmative answer to all these questions, candor imperatively requires that most of them should be answered in the negative. For, although it is with pleasure admitted that the public funds committed to the custody and safe-keeping of the bank, and forming a part of the capital; the payment of the interest and redemption of the stock, depending as they do, upon the sure foundation of our plighted public faith, are beyond the reach of accident; it is no less true, that the present condition of the banks is not such as to afford satisfaction and encouragement to the community, either in regard to their past management or to inspire full confidence in their future success. The large amount of bad and doubtful debts—the enormous sums due from individuals, most of which will, in all probability, should the general bankrupt law go into effect, be settled in the compendious mode of schedule and affidavit,—and the fearful encroachment already made on the capital stock—are considerations well calculated to cast the most ominous conjectures on the success of the whole system.

Whether the failure of these institutions to realize the reasonable expectations of the public, is owing to defects inherent in the system, or is to be found in the manner of selecting the boards of directors, and in which they have managed the affairs of the banks, is the question now submitted for your candid, deliberate, determination. And upon the correct decision of that question, depends the fate of the banks, and the circulating medium of Alabama. If the defects are in the system, and are radical, they are admitted to be without remedy, and the system ought to be abandoned, at least as soon as a proper substitute could be provided. And I have no hesitation in declaring it as my settled opinion, that if the present mode of electing directors is to be continued, the sooner the State bank and branches are wound up the better. If, on the other hand, the defect lies in the manner in which the directors are elected, and in which the affairs of the banks have been conducted, it becomes the indispensable duty of the Legislature to apply the corrective, and to adopt such measures as will insure their better management hereafter. It has been

my misfortune to differ with a majority of the Legislature, in relation to the manner of electing bank directors; and in relation to many important points of policy in the management of the banks. Whether the measures recommended by me would have been salutary in their operation, cannot, with certainty, be asserted; but that the course pursued by the Legislature has been most disastrous in its effects upon the banks, is, unfortunately, no longer a problem. But for the settled conviction resting on my own mind, that in the present state of society, a paper currency is indispensable, and can be only constitutionally furnished by the States, and not by the General Government, the discouragements I have experienced in endeavoring, so far as Alabama is concerned, to place the State banks on a better footing, would have induced me to abandon the present system altogether, and to have looked to some other expedient, within the purview of the constitution, as a substitute. And I still think, with entire respect for the opinion of others, that the State bank system is susceptible of being rendered a source of incalculable benefit to the people of Alabama. I believe further, that the State bank system is destined ultimately, under some modification or other, to furnish the paper circulation of this Union.

In reflecting upon such measures as would most likely tend to alleviate and improve the present condition of the banks, and enable them to regain a sound and healthy action, the following have occurred to me as most likely to be productive of that desirable result; and they are, therefore, with becoming deference, respectfully recommended for your consideration. Still satisfied, and even more deeply confirmed than ever, in the correctness of the opinion, that the present mode of electing directors is not only erroneous, but will prove fatal to the banks, if persevered in, I am of opinion that it should be changed, so as to make it the duty of the Governor to nominate double the number to be elected, and for the Senate, or the two Houses jointly, to select from that number the directors for each bank. The presidents should, I think, be elected as at present, by joint vote of the two Houses. I am also of opinion, that the number of directors should be reduced to two, and a president, for each bank; that they be paid a sufficient salary to secure the best financial talents; and that they be required to devote their constant time and attention to the business of the banks, until they are in a condition to resume specie payments. It will be proper also to adopt suitable measures to compel punctual attention to their duties, and to punish them for negligence or malpractice in office.

No doubt it will be objected to the proposition to reduce the number of directors, that it is aristocratic to take power from a large and bestow it on a smaller number; and that the proposition to increase the compensation, is anti-republican in its tendency. These objections sound loftily in theory, and are strictly correct in practice. But the mistake, the entire mistake, consists in their application to the present case. Who ever heard of a man seeking the appointment of a bank director either from patriotic motives or for the distinction it confers? On the contrary, the accounts of many of the directors, from 1834 to 1837, prove that they were under the influence of a much more powerful motive than the love of country or the love of fame. And, even if it were otherwise, it may be safely affirmed that no greater or more fatal error has been, or can be, committed, in regard to the management of the banks, than that they ought to be conducted on what are usually termed pop-



ular principles. The office of bank directors certainly would be, of all others, the most desirable, if the capital of the bank was increased by being constantly used, and every man could be supplied with whatever amount his necessities required, whether he was able to pay it or not. But this not being the case, the capital being borrowed, no man ought to be permitted to borrow unless he be able and willing to pay. Equally delusive and ruinous to the banks, will be found the fanciful expectation of obtaining competent talents to manage the laborious and multifarious concerns of a banking institution, already extensively embarrassed, ably and successfully, without adequate compensation. It may be remarked, as a general rule, both in regard to public and private affairs, that those who are willing to labor for nothing, fall, most usually, under the denomination of hard bargains. This remark does not, of course, refer to offices which confer great political distinction, which are doubtless sought, in many instances, even at an entire sacrifice of every thing like pecuniary emolument, from a love of honest fame and the more ennobling feeling of patriotism. But, so far as our banks are concerned, experience furnishes ample testimony to the fact, that their present embarrassed condition is owing in a great measure to the election, in former periods, of directors, who accepted the situations without any stipulated compensation sufficient to compensate a man of ordinary capacity, with the fixed determination to compensate themselves. Volunteers certainly answer admirably in some departments of service; but experience has amply proved, that they are not always the appropriate corps from which to select bank directors. The most fatal tendency of the present course pursued, both in legislation and the management of the banks, is, that it will inevitably place them under the control of their debtors. Let this state of things be once accomplished, and it requires no participation in the spirit of prophecy to foretell that the best directed legislation afterwards will be of no avail.

Transacting a large portion of their business on long time, has also been a prolific source of evil to the banks, and one, the effect of which, they cannot much longer withstand. It is, therefore, respectfully suggested, that the banks be prohibited from discounting any promissory note having more than four months to run, and not to be renewed in any case; and from purchasing any bill of exchange having more than six months, secured by two good endorsers, and drawn against shipments of produce, at least to the amount of the bill, or actual funds at the point where the bill is to be paid. The present amount of circulation, which is about seven millions, is believed to be entirely adequate to the sound business wants of the country, and ought not to be increased. It is particularly recommended to enlarge the discretionary powers of the directors in regard to the security and collection of debts; and to enable each bank to appoint a marshal, with the same powers, in all cases in which the bank is plaintiff, as are now exercised by the sheriffs of the respective counties throughout the State. The salary of the bank attorneys is entirely too low, and ought to be increased by law, or left to the board of directors, within a reasonable limit, beyond which they should not go.

I also consider it my duty, though I admit it is an unpleasant one, to recommend that the banks be relieved, at least for the present, from defraying the expenses of the State government. It is a maxim, that to tax and to please, any more than to love and be wise, is a difficult matter. But it is also true, that taxation, in some form or other, is indispensable to the support of govern-

ment; and my own reflections long since led me to conclude, that if the amount was kept down to the actual wants of the government, the more directly it was paid the better. The people are then constantly sensible of the amount of the contribution exacted from them for the support of government; and they take care that they never exceed the amount absolutely necessary for its support, administered on the most economical scale. Whatever may be the correctness of this view, I have sufficient confidence in the patriotism and magnanimity of the people of Alabama, exhibited on so many occasions, to believe that they will submit cheerfully to the payment of a sufficient amount to defray the expenses of the State government; more especially when, by doing so, they will avert evils of greater magnitude. Indeed, I feel fully satisfied, that the people will not, for a moment, compromise their high claims to magnanimity, by leaning on the banks to defray the expenses of the State government, when those institutions are not in a situation to redeem their own notes. It were superfluous to remind the General Assembly, that taxation is, of all others, the most delicate operation of free government, and that in amount it ought to be kept down to an economical standard; and be so regulated, as to operate with as much equality as is attainable in human affairs.

The law setting apart \$200,000 annually, in aid of the valueless sixteenth sections, operates most injuriously on the interest and the business of the banks, and ought to be repealed. It is admitted that the appropriation of this sum is directed to a most commendable and desirable object; and if the banks were in the full tide of successful operation, I should not advocate the withdrawal of this appropriation, from an object dear to every patriot, and deeply interesting, if judiciously applied, to a part of the rising generation. But to be just before we are generous, is a maxim that holds as good in political, as in moral or legal, ethics; and, in the present condition of the banks, it is a departure from the straight pathway of common honesty, which is always the best policy, to require them to perform acts of individual accommodation or public munificence.

The various laws now in force for the relief of bank debtors, are believed to have been salutary in their operation, and, while they continue to be properly applied and enforced, need no alteration.

It is not improbable that some of the views I have submitted may appear unreasonable, and that some of the measures I have recommended may seem to be harsh and rigorous. They have been reluctantly extorted from me by the condition of the banks, and a deep sense of the high and solemn obligations of official duty. And, permit me to add, in conclusion on this subject, that if the Legislature, in their wisdom, should be able to devise any other plan, more likely to effectuate the objects which I feel satisfied we have alike in view, it will receive my cordial sanction and approbation. Impelled by a constant desire to preserve the faith and credit of the State unimpaired; I have more than once recommended the propriety of providing a permanent and efficient sinking fund, for the redemption of our State bonds, and the extinguishment of our public debt; and I avail myself of the present occasion to express the hope, that the Legislature will keep this object steadily in view.

It is impossible to recur to our banking system, without being admonished, that it is based on borrowed capital, and that the faith and credit of the State are solemnly pledged for the payment of that capital. And Alabama owes it to herself; to her past history, every period of which is signalized by devo-



tion to sound principles; she owes it to her future fame, and to the great and good men to whom she is indebted for the rich inheritance of a written constitution, to pursue such a course as will enable her at all times to redeem the obligations of her plighted faith with scrupulous fidelity.

There is another subject which inclination and duty alike, render it proper to bring to your notice. It will be recollected that, on the 1st day of January, 1841, the General Assembly passed a law establishing the general ticket system, in the election of members to Congress from the State of Alabama. At the time this law passed, the period for which the members of the House of Representatives had been chosen, under the district system had expired. In consequence of the Proclamation of the President of the United States, requiring Congress to convene on the 31st of May, it became necessary, either to convene the Legislature, or leave the people of Alabama unrepresented in the popular branch of the National Legislature. Under ordinary circumstances, appreciating the inestimable right of representation, I should have considered it proper; but in view of the difficulties then impending over the country, and which I regret to say have not been much diminished, all the promises of amendment, reformation, and relief to the contrary notwithstanding, I considered it my imperative duty to convene the Legislature, in order to provide for the emergency which had occurred. Considering the pains taken at the time to mislead the public judgment, as to the necessity which existed for convening the Legislature, it is proper to remark that no other alternative was left, but to convene the Legislature, or leave the State unrepresented in the House of Representatives, in the most unexampled crisis of our public affairs. The term for which members of the House of Representatives from this State had been elected; as before remarked, had expired—and, according to repeated decisions; as well as the most obvious suggestions of reason and common sense, the expiration of an official term does not create a vacancy, within the meaning of the constitution, to be filled by the Executive, but is a lapse of the office, which requires an act on the part of the legislative, or creative power in order to supply it, and continue its existence. It is to be hoped that those who declaimed at the time against the necessity for convening the Legislature, and insisted that a proper exercise of the Executive authority, would be sufficient to meet the emergency, and cause the State to be represented, were at least honest in their opinions, and not influenced by a desire wilfully to mislead the public judgment.

On the 27th day of April, 1841, the Legislature passed an act for the election of members of the House of Representatives, under the new system, and to that law annexed a provision, submitting it to the people, to determine, at the general election in August, whether they were in favor of the district or general ticket system. The result of the popular vote upon this question, shows a small majority in favor of the district system.

It is not my purpose to inquire into the propriety of submitting this question to the people, before they could possibly have time to reflect upon the relative importance of the two systems, so as to determine correctly between them. On the contrary, it is distinctly admitted, that the will of the people, constitutionally expressed, constitutes the great rule of action for the government of the Legislature. Neither shall I attempt to derive any support to the general ticket law, from the fact that the entire popular vote was not

given, upon this subject, by six or eight thousand votes. If the Legislature should be of opinion that this question was submitted on sufficient notice; and there is reason to believe that the true state of public opinion was expressed in the vote already referred to, it is imperative in its obligation on them to repeal the law—provided, such repeal does not, in their judgment, violate the constitution; and, even in that case, it would be the duty of such as could not vote for the repeal, without violating the constitution, to resign and give place to others; for I hold the true theory of representative government to be, that, whenever, upon full and ample understanding of any subject, the will of the constituent body is fairly ascertained and expressed, it is the duty of the representative to yield obedience to that will, or to resign its functions; otherwise the government would cease to be representative in its character. In the present instance, I do not believe there has been an authoritative expression of the popular will, and am, therefore, of opinion that the law ought to be repealed—especially, as no election for members of Congress can take place until after the next meeting of the Legislature. From the position I occupy in relation to this question, being the only chief Magistrate of Alabama that ever recommended it, and particularly from the motives then attributed to me, but to which time has sufficiently applied the corrective; I should be wanting in self-respect were I not to assert the opinion, sincerely entertained, that the general ticket system furnishes the only constitutional mode of electing members to the House of Representatives. In adopting this conclusion, I am not ignorant that the district system has received the sanction of a majority of the States of the Union, and, among them, many of those most distinguished for the wisdom of their public councils, and for the patriotism, intelligence and virtue of their public men—and if this question depended upon precedent, or the practice of other States, I should cheerfully relinquish my own views, no matter how deeply convinced of their correctness, and adopt those which prevail in a majority of the States. But this question does not depend upon precedent—it depends upon the proper construction of the constitution, and the true theory of representative government. If, then, it can be shown that this system is the one provided for in the constitution, and that it carries out in practice, and is the only one which can carry out in practice, the true theory of popular representative government, it becomes our duty to determine; that error, though seen through the lapse of ages, sanctioned by time, and approved by the highest intelligence, is error still; and to preserve those sound rules of interpretation, and above all those cardinal principles, which lie at the foundation of the government.

The constitutional provision which governs and controls this question is in the following words: "Members of the House of Representatives shall be chosen every second year by the people of the several States; and the electors in each State shall possess the qualifications requisite for electors of the most numerous branch of the State Legislature." [Art. 1, Sec. 2, Constitution of the U. S.] This provision contains a clear and positive reservation of power, to the people of the several States, to choose members of the House of Representatives; and the only limitation or restriction upon this power is, that the electors shall possess the qualifications requisite for electors of the most numerous branch of the State Legislature. In order to understand correctly the nature and extent of this power, it will be necessary to

recur for a moment to the history of the country, prior to the adoption of the constitution, and to inquire into the reasons which led to the adoption of that instrument, and the great rights intended to be secured by it. The grand moving cause which led to the revolution that separated this country from Great Britain, was the denial of the right of representation—a right which is asserted, in the most memorable declaration to be found in the recorded history of nations, to be “inestimable to freemen, and formidable to tyrants only.” Who made this declaration? Who made this remarkable declaration? The people of the several States. Who were the actors in those desperate scenes of danger and glory that succeeded this declaration, and marked the progress of the revolution to that glorious consummation which presents the proudest achievement of human exertion? The people of the several States. Who, when the battles of the revolution were over, assembled, through their representatives, in solemn convention, for the purpose of casting the mould of a new government, and of testing the great and then untried experiment of man’s capacity for self government? The people of the several States. And who, it may be asked, when the strifes and conflicts of the revolution were over, were entitled to have that great right, for which they had toiled and suffered through all the horrors of a seven year’s war, secured to them in the amplest form? The answer is still the same; the people of the several States. That people who had borne the flag of an oppressed and bleeding country triumphantly through the bloody scenes of a thrice glorious revolution, and presented it untarnished to be planted on the ramparts of a written constitution. Hence we see, that in allotting rewards to those who best deserved them, and in placing power where it could best be wielded, the framers of the constitution declared, in the very first article of that instrument, that the members of the House of Representatives, that great citadel of freedom and of popular rights, should be “chosen every second year, by the people of the several States.” What is meant by the people of a State? When historians or statesmen speak of the people of an empire, a nation or state, the common sense, and the universal usage and understanding of mankind, is, that they speak of the people of such empire, nation or state, in their aggregate, undivided character as a people. When the framers of the constitution spoke of the people of the several States, they meant those separate, independent political communities, which existed anterior to the adoption of the constitution, to whom we are indebted for all that is beautiful in the theory, or valuable in the practice, of the government under which we live. If, then, the reservation of power in the constitution, to choose representatives, be to the people of the several States, and if by the people of the several states, is meant the whole people, the right to choose the whole number of representatives to which the State is entitled, according to population and the ratio fixed by law, is given to the whole people. The error which seems to have prevailed on this subject, consists in supposing that the constitution of the United States confided to the State Legislatures discretionary power in relation to the choosing of members of Congress, and that in the election of members of the House of Representatives, it was competent for the Legislature to prescribe the qualifications of the electors and limit their right to choose. But this idea has not the semblance of a foundation in the constitution. The right to choose, the qualifications of the elected and the electors, and the time of service of

the members, are all fixed by the constitution; and neither the Legislature nor Congress have the power to alter them. The only provision of the constitution, that gives the State Legislatures any power over this subject, is the following: "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State, by the Legislature thereof; but the Congress may at any time alter such regulations, except as to the place of choosing Senators." [4 Sec. 5 Art. Con. U. S.]

What power does this section confer on the State Legislatures? The power to prescribe the times, places and manner of holding the elections, and nothing more. The reservation of power to the people is to choose representatives. The reservation of power to the State Legislature is to prescribe the times, places and manner of holding the elections—and it certainly cannot require an argument to point out the difference between them.

Neither is there conceived to be any soundness in the doctrine which prevails to a great extent, that both the two modes of electing members to Congress are constitutional. Either may be constitutional, but both cannot be; because their effect upon the elective franchise is entirely different. Under the general ticket system, a qualified voter in the State of New York would be entitled to vote for forty members of Congress, because he was one of an aggregate community whose numbers entitle them to that number of representatives. Whereas, a qualified voter in Pennsylvania, under the district system, would only be entitled to vote for one, although he possessed precisely the same qualifications that the voter in New York did, and derived his right to vote from the very same clause in the constitution. It never could have been the intention of the framers of the constitution, to authorise the practice of a system, which would operate with such gross inequality. They doubtless intended that the rule to be established should be uniform, and that a freeman, possessing the same qualifications in one State of the Union, should enjoy the same privileges that another freeman residing in a different State, should enjoy. If the object was to restrict the right of suffrage in the election of representatives to the narrowest possible limits, then the district system is the proper one. Under it no man has a right to vote for more more than one representative. If, on the other hand, the object was to enlarge the horizon of freedom and of popular privileges to its fullest extent, then the general ticket system is the proper one. Under it each qualified voter in the State is entitled to vote for the whole number of representatives to which the State is entitled; which is the fullest measure of liberty he can enjoy. It is for the legislature to determine whether they will confine the people of the States within the narrowest possible limits, by confining them to districts and restricting their right to a single member; or whether they will secure to them the highest degree of liberty they are capable of exercising under the constitution, and allow them to vote for the whole number.

There is another point of view in which this subject may be placed, which renders it one of vast, not to say vital, importance to the rights and to the States. Whatever may be the power of the State Legislatures over the election of members of the house of representatives, that power is liable, at any moment, to be exercised by Congress. Congress may, according to the constitution, at any time alter whatever regulations the State Legislatures

may make on this subject. Suppose then, the district system to be correct, and that Congress should exercise the power, which they may, at any time. What, I ask, would become of the security, of the rights of the people, and the sovereignty of the States, when the general government has the power to lay off districts in such a manner as to ensure a compliance with the views of that government, in all instances whatever. The only country under the sun in which this system of electing representatives by geographical limits has prevailed to the full extent, was revolutionary France. There the whole nation was divided into districts, (departments,) and it was equally easy to elect a priest or assassin from either, whichever was most likely to answer the purposes of a furious and unbridled despotism. But, let the general ticket system be established, and all that Congress can do is simply to declare the time, place and manner of holding the elections. It will not be expected that in a communication like this, I should notice all the arguments that have been employed in opposition to this measure; and much less that I should attempt to answer them. I shall notice only those that have been urged with most zeal.

Among the objections to this measure entitled to the most weight is the one, that it will give undue weight and influence in the house of representatives, to the large and popular States. If this measure involved no higher principle than a mere scramble for power, this view of it might be encouraged and possibly sustained. But popular liberty is not a commodity to be measured out with a stinted hand, or defined by geographical limits—it inheres and belongs to men. According to the true theory of our government, and of all popular governments, the same number of freemen possessing the necessary qualifications to vote in one section of the Union, possess, and ought to exercise, the same power that the same number of freemen possessing like qualifications, possess, and ought to exercise, in another section of the Union. The safest and most virtuous rule, in public as well as private affairs, is boldly and firmly to assert and maintain our own rights, and cheerfully accord to others the enjoyment of theirs. And it was never intended that the representation in the house of representatives should be equal, any further than numbers, according to the population of the different States, should render it so. Neither could it have been the intention of the framers of the constitution to weaken the influence of the people of the States, in the popular branch of the legislature, by adopting a rule which would lead, necessarily, to diversity of views and opinions, and all the mischiefs incident to divided councils. Union and harmony were the feeling and the sentiment which predominated, over all others, at the time the constitution was formed. The constitution itself furnishes the most indubitable proof that numbers form the basis of representation, in the house of representatives. Hence it requires that the census shall be taken at stated periods, to ascertain the number of inhabitants in the different States, and that the ratio of representation shall, at the first session of Congress after every such enumeration, be fixed accordingly. Equality of representation and the power of counteracting the weight and influence of the large States, when they run into error or operate oppressively, is secured in the Senate, where each State, being sovereign and, of course, equal in rights and power, is represented by the same number of Senators. Nothing more is necessary to elucidate the view I entertain upon this part of the subject, than to keep constantly in mind that the reservation

of power to the States; is to elect Senators; that to the people, is to choose representatives. And while it is freely admitted, that under the general ticket law the people of no State can ever have a larger number of representatives than their numerical strength entitles them to, it may with full confidence be asserted that it secures to them the full number to which they are entitled, and that no other system can do it.

The next objection is that a majority of the States, from the origin of the government, have adopted the district system—or, that the weight of precedent is against the measure under consideration. To this it may be answered, with entire respect, that the effect of this doctrine is to fasten the errors of one generation irrevocably upon all succeeding generations, and, indeed, to render error immortal. This I admit is the doctrine maintained in all governments of prescription, where the light of experience and successive improvement are studiously shut out, and where it is considered sacrilege for men to attempt any improvement upon the systems or opinions of those who have gone before them. Fortunately for the improvement of the age, and for the benefit of mankind, this is not yet the received doctrine in this country.

The gravest objection, and one which addresses itself peculiarly to popular prejudice—for it can have no solid foundation in the understanding of any one who has bestowed the slightest attention to the subject is, that it disfranchises a portion of the people. If this objection is well founded, it would be sufficient of itself to condemn the system. But nothing can be more untrue or disingenuous; and the employment of such an argument bespeaks either an ignorance of the meaning of the most ordinary terms in the language, as well as the true theory of representative democratic government, or a desire to mislead the public judgment. To disfranchise, means to deprive of the privileges of a free citizen. In reference to the subject under consideration, it means, if, indeed, it mean any thing, to deprive of the right to vote. But who, it may be asked, that had a right to vote under the former system, has been deprived of that right by the law in force? Under the district system, each qualified voter in the State had a right to vote for one member of Congress, and no more. Under the general ticket law, each qualified voter in the State has a right to vote for five. Unless, therefore, increasing the right of each voter in the State five fold, in the election of members of Congress, has the effect to disfranchise a portion of the people, no disfranchisement has been effected by the general ticket law. If being disfranchised means voting in a minority, why then the twelve hundred thousand freemen who voted in a minority in a recent National election, the manner of conducting as well as the result of which will be remembered at least as long as the forms of the constitution last, were disfranchised. But not so—they took their chances at the ballot box—they cast their votes in that memorable contest—but the majority of numbers was against them—and yielding to that great distinctive feature of representative republican government, that the will of a majority, expressed according to the forms of the constitution, shall govern, they quietly submitted to defeat—but not to disfranchisement. No doubt many of them expect to vote in a similar election again, and, judging from the signs of the times, with sanguine hopes of better success. If this modern doctrine of disfranchisement is correct, there is a portion of the people disfranchised in every popular election, where there is a contest, from the election of a constable up to the election of Chief Magistrate of the United States. This subject



renders reference to another principle not improper; and that is, the rights of minorities. All men possessing the qualifications established by the constitution are eligible to office, and have a right to vote, no matter what may be their political opinions. But minorities have no power to elect, and no right to have their political opinions represented. These belong to the majority, and must continue to belong to them, until the main principle of the government is changed, and the will of the few substituted for the will of the many. The truth of this position is fully illustrated in the case of the twelve hundred thousand who voted for Mr Van Buren in the late Presidential election. Their votes were as powerless, so far as the result of that election was concerned, as if they had been cast into the sea; because they were given by a minority. Take another illustration: The county of Tuscaloosa is, in all respects, one of the most respectable counties in Alabama—the people of that county, like all others, are divided into parties entertaining different political opinions; one of these parties preponderates by a majority of several hundred votes, and the consequence is, and properly, according to the genius of our government, that the dominant party elects all the delegates from that county, in both branches of the Legislature.

I have calmly endeavored to view the questions involved in the general ticket law, through the light of reason, uninfluenced by any other desire than to arrive at a proper conclusion. The true construction of the constitution and a desire to secure the rights of the people of Alabama to their fullest extent, furnish the only lights by which I have been guided, and constitute the only motive by which I have been governed in arriving at the conclusion to which I have come. I had experienced no personal disappointment under the district system; and, notwithstanding the motives attributed to me, it is impossible I can have views or expectations to gratify under the present system. My deliberate judgment tells me the present is the true one, for the following reasons:

1. The constitution authorizes the people of the States to choose representatives; and this is, in my opinion, the only way in which the right secured by the constitution, can be fully enjoyed.
2. It secures in practice, in the election of members of Congress, the benefit of that great principle, that the will of a majority, expressed according to the forms of the constitution, shall govern.
3. It secures the rights of the States from the possibility of encroachment by Congress.
4. It enlarges the elective franchise, just in proportion to the number of members of Congress to be elected.

It is possible, after all, that the views I have taken, and the reasoning I have employed, upon this subject, may be erroneous. My deliberate and well settled opinion is, that they are correct. And even if they should prove to be erroneous, I shall at least enjoy the consolation of having erred in favor of extending the great principle of representative government, which lies at the bottom of our institutions, by enlarging the right of suffrage; to secure which, in its plenitude and purity, to the people of the several States of this Union, the aspirations of the purest patriots were elevated, and the best blood of the revolution was spilt. But upon this subject, and particularly at this time, I have an especial desire not to be misunderstood. Ours is a government of opinion, and not arbitrary will; and reason and free inquiry are the

only agents that can properly be employed in the administration of it. I am, therefore, of opinion that this subject should be referred back to the people. and if, upon full consideration of all the reasons connected with it, they determine that this law ought to be repealed, let it be done. As already remarked, no possible injury or public inconvenience can result from delay; on the contrary, it will afford time for more ample reflection on the relative importance and propriety of the two systems, as no election can be held under either until August, 1843.

The intimate relations subsisting between the State and general governments, and our liability to be affected, either for good or for evil, by the action of the latter, renders it proper that I should notice some of the measures introduced during the late extraordinary session of Congress, most of which have, unfortunately as I conceive, become laws of the land. I am well aware that there are some who look upon every allusion by the State authorities to the action of the general government, as a species of impertinent and officious interference. My habit of thinking upon this subject has led me to a different conclusion. The general government was formed by the States; it can only be altered by the States; it is responsible to the States for its action; it was constituted a trustee by the States, for the benefit of the people, in relation to such matters, and none others, as were specifically confided to it.

The ingenuity of the friends of a national bank, in Congress, was taxed to the last extremity in order to enable them to seem to evade, while they violated, the constitution, and to incorporate some institution of this kind. Fortunately for the country, all these attempts were unsuccessful—not so much, it would appear, however, from a disposition to preserve the constitution, as from inability on the part of the friends of a bank, (or fiscal agent, as it is now called,) to agree among themselves, as to the particular manner in which that instrument should be violated. And it is astonishing that the President of the United States should have vetoed two bank bills for constitutional reasons, without even alluding to the main reason why such an institution is unconstitutional—namely, that Congress has no power to incorporate a national institution of any sort. This question, like the sword of Damocles is still suspended over our heads; and whether this state of suspense is to terminate in the ultimate triumph of the constitution, or in the prostitution of that instrument to the influence of a sordid money power, is a question which belongs to the future. Unless, however, the indications of the times are grossly deceptive, the people are about to look to this subject, and to relieve the country forever from the thralldom and the corruptions of a national bank. It is hoped that the Legislature will continue to protest against the establishment of any institution of this kind, by whatever name it may be called; and, in the event of its passing Congress in any shape, against the establishment of a branch in this State.

The act to appropriate the proceeds of the public lands and to grant pre-emption rights, (as it is styled,) is, in my judgment, the most extraordinary, as well as the most pernicious act of American legislation; and contains more of that subtle poison which is finally to neutralize the power and destroy the independence of these States, unless prevented by their constant vigilance, than any act passed by Congress since the foundation of the government. This measure may, with truth, be said to violate every correct principle that could be embraced within its provisions. It violates the constitution, by



abolishing a permanent source of revenue belonging to the United States; thereby creating a necessity for increasing the duties on imports, which must operate unequally, and the weight of which must fall most heavily on the southern States. It is no answer to this objection, to say that the act is not to operate if it violates the compromise of 1833—the compromise act is itself a violation of the spirit of the constitution. It violates the articles of cession from the ceding States to the United States, by distributing that which was intended to be held as a common fund, for the benefit of all the States jointly, among the individual States. It is an act of wasteful improvidence to give away three or four millions annually, when the national treasury is penniless, and places Congress under the necessity of borrowing money, and taxing the necessities of life, in order to support the government. It involves the right of Congress to lay and collect taxes for the purpose of distributing among the States, in order to make them the pliant subjects of national ambition and national power—for there is no difference between giving to the States the existing revenue, thereby creating a necessity for additional taxes, and laying taxes in the first instance, for the purpose of distribution. It amounts to the same thing. Congress has no power to make donations when the treasury is bankrupt; and it is utterly unworthy the character of the States, under such circumstances, to accept them. This act is one of that series of measures intended to pave the way for the permanent introduction of the mis-called American system, the effect of which will be to fasten perpetual burdens on the people of the South, in order to protect and foster the productions of labor in other sections of the Union. If this law remains in force, it destroys all hope of reduction in the price of the public lands; a matter more interesting to the great mass of the people than any other, as it would enable every class, even the poorest, to provide homes for their wives and children at a very moderate expense. It is not to be expected that the price will be reduced while a majority of the States are interested in keeping it up, in order to increase the distributive portion to which each State is entitled. The true and wisest policy of this government, is to contribute, as far as possible, consistently with the constitution, to the happiness and comfort of the people; and not by exhausting existing sources of revenue, to increase the necessity for additional impositions, and diminishing their ability to become interested in the soil, by acquiring a home, which, after all, is the strongest tie which binds a man to his country.

The foregoing are some of the objections which apply, with great force, to the law for the distribution of the proceeds of the public lands. The 17th section of this act presents a subject for the consideration, and possibly for the action, of the Legislature. It provides “that the two per cent. of the nett proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September, one thousand eight hundred and nineteen, and reserved, by the act entitled “an act to enable the people of the Alabama Territory to form a constitution and State Government, and for the admission of such State into the Union, on the same footing with the original States, for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the said State of Alabama, payable in two equal instalments, the first, to be paid on the first of May, one thousand eight hundred and forty-two, and the other on the first day of May, one thousand eight hundred and forty-three, and quarterly as the same may hereafter accrue. Provided, That the Legislature of said State shall first pass an act declaring their ac-

ceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the connection, by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochie river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in Mississippi."

This section of the act relinquishes to Alabama the two per cent. fund arising from the sale of the public lands in this State, and which was reserved according to the terms of the act for our admission into the Union, for the purpose of making a road or roads to the State. It is not perceived that this provision in the act of Congress, would commit us to any extent to the distribution principle. If that is to be the effect of accepting, it, I, for one should be for rejecting it without regard to consequences.

It is certain that the two per cent. arising from the sale of the public lands in this State, can never become the property, or form a part of the revenue of the United States without our consent; and, perhaps the most correct view of this part of the subject is, that we are equitably entitled to the benefit of it.

If the Legislature should acquiesce in the correctness of this view, the only remaining question will be, whether they will now or at a more favorable period, bind the State to furnish the additional amount necessary to complete the two works of internal improvement, contemplated in the act of Congress. The entire cost of these works may be estimated at five millions—the amount of the two per cent. at three hundred thousand dollars—hence the sum to be furnished by the State would be four millions seven hundred thousand dollars. A more intimate connection with the sister States of Georgia and Mississippi, by means of a permanent work of internal improvement is certainly a most desirable object, if we have the means to accomplish it. And the connexion of the navigable waters of Mobile bay with the Tennessee river, is in every light in which it can be viewed, a matter of vast importance. It would bring us into intimate connexion with one of the finest provision-raising countries in the world, by which we should annually save vast sums in the purchase of productions directly from the producers, which we now have to purchase in the first instance, in New Orleans; and the difference of exchange on the articles thus purchased would, in a few years, be sufficient to construct the work. A work of this kind would also have the effect of connecting the two great sections of the State more intimately; and what is of still higher importance, it would, in that emergency, from which the most pacific and enlightened nations, cannot always be exempt, afford great facility in the transportation of troops, munitions of war, and provisions from that quarter, to which in time of need, we should be compelled to look for them. The whole subject is respectfully submitted to the Legislature without a doubt, that they will dispose of it with due regard to all the high and important considerations which it involves.

This is the last annual message I shall have the honor of submitting to the General Assembly. A few days will terminate my connexion with the office of Chief Magistrate of the State of Alabama, to which I may, with perfect sincerity say, I have been twice elected without solicitation on my part, by the people. In looking forward to the moment, now almost at hand,

which is to dissolve my official connexion with the General Assembly, I should do injustice to my own feelings, if I were not to express the deep and abiding sense of obligation I am under to that body, for the uniform courtesy and indulgent liberality and kindness I have experienced at their hands, in my humble but honest efforts to administer the government of Alabama. And permit me, gentlemen, through you, to avail myself of this last public occasion, to render to the great body of my fellow-citizens, the deep and lasting sense of gratitude I feel, and shall never cease to cherish, towards them, for the multiplied proofs they have given me of their kindness and confidence; and to assure them, that I shall carry into the retirement that awaits me, the same devotion to their interest and happiness; by which I have endeavored to be governed in my public career: and that I shall never cease to supplicate Divine goodness, to continue to them the enjoyment of those rich and countless blessings which he has heretofore been pleased to bestow upon them.

A. P. BAGBY.

Mr. Walker of Lawrence moved that said communication lie on the table, and that five thousand copies be printed, which was carried.

And then the House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Nov. 3, 1841.

Messrs. Davenport, Sprewill and Kidd, members of this House, appeared within the Hall of the House of Representatives, were qualified and took their seats.

Mr. Norwood presented the petition of sundry citizens of Dallas county, praying the passage of a law to authorize Benajah King to erect a toll bridge over the Big Mulberry creek; which was read and referred to the committee on roads, bridges and ferries.

Mr. Wynn presented a petition of sundry citizens of township 4, range 5, west of Limestone county, praying the repeal of a law in relation to said section, which was read and referred to the committee on education.

Mr. Davis of Limestone presented the petition of sundry citizens of township 4, range 5 west, in the county of Limestone, praying that the lands many to revert back to said township, which was read and referred to the committee on education.

Accounts were presented by Messrs. Wynn, Griffin of S., Davis of L., and Walker of B., which were severally read and referred to the committee on accounts.

Mr Wynn presented the petition of sundry citizens of Limestone county, praying to discontinue an election precinct at the widow Mitchell's; which was read and referred to the committee on privileges and elections.

Mr Hutchinson presented the petition of sundry citizens of Montgomery county, praying to abolish the election precinct at Solomon Garner's, and to establish one in the lieu thereof at the house of James D Bradley, which was read and referred to the committee on privileges and elections.

Mr B McAlpin presented the petition of sundry citizens of the city and county of Mobile, praying the execution of the law now in force, prohibiting the landing of free negroes in this State, which was read and referred to the delegation of Mobile county.

Mr B McAlpin presented a memorial of the field Officers of the 48th regiment of Alabama Militia, relieving the company officers of said regiment, from

the necessity of residing in their Beats; which was read and referred to the military committee.

Mr B McAlpin presented the petition of sundry citizens, praying to discontinue an election precinct at Spring Hill, and to establish one at Cottage Hall in lieu thereof; which was read and referred to the committee on privileges and elections.

Mr B McAlpin presented the petition of the Mobile Hook and Ladder company No. 1, praying an act of incorporation; which was read and referred to the judiciary committee.

Mr B McAlpin presented the petition of the Mechanics' fire company No. 7, of the city of Mobile; which was read and referred to the committee on the judiciary.

Mr McLeod presented the petition of sundry citizens of Pike county, praying for a change of the present mode of assessing and collecting taxes in said county; which was read and referred to the delegation of Pike county.

Mr Houston presented the petition of sundry citizens of Washington county, praying the passage of a law, to authorise Richard Griggins to establish a Ferry on Centre Bogue near his residence on said Creek; which was read and referred to the committee on roads, bridges and ferries.

Mr. Alexander of Lowndes, presented the petition of John N. Stringer and Demaris Sims, administrators of Hugh Barkley, dec'd, praying the passage of a law to make titles to a certain tract of land therein named; which was read and referred to the judiciary committee.

Mr. Rushing presented the record for divorce in the case of Amanda White against William White; which was read, and referred to the committee on divorce and alimony.

Mr. Rushing presented the petition of the judge and commissioners of roads and revenue of Sumter county, praying the passage of a law to levy an additional tax for completing the courthouse in said county; which was read, and referred to the delegation of Sumter.

Mr Griffin of Marshall, presented the petition of sundry citizens of said county, praying the passage of a law to authorise the Judge and commissioners of roads and revenue to levy a tax for the purpose of building a court house and jail for said county, which was ordered to lie on the table.

Mr. Speaker laid before the House the Comptroller's report on the contingent fund.

Ordered that said report lie on the table, and that one thousand and twenty copies be printed.

Mr Speaker also laid before the House the report of the President of the Branch Bank at Mobile, and the accompanying documents: Ordered that the report and accompanying documents be referred to the committee on the public printing, and that two hundred copies be printed as soon as possible.

Mr Jemison moved the following instructions:

*Resolved*, That the committee on State printing be instructed to have the Bank reports and other documents in relation to the Banks, printed as early as practicable, and that the same be printed in such form, as when all are printed they may be put together in pamphlet form; which was carried.

A message from the Senate by Mr Clitherall,

*Mr Speaker*—The Senate has adopted the following resolutions:

*Resolved*, That with the concurrence of the House of Representatives, the

two Houses will assemble in the Hall of the House of Representatives on Thursday the 4th inst., at the hour of 12 o'clock M, for the purpose of counting the votes and declaring the election of Governor in pursuance of the provisions of the Constitution of this State, in which the concurrence of the House of Representatives is asked.

In which resolution the House concurred.

Ordered that the clerk acquaint the Senate therewith.

Mr Speaker laid before the House the following records for divorce:

Diza Essman against Benjamin Essman; Evilina M. Whetstone against Evans L. Whetstone; Philip Voeglin against Mary Voeglin; Kirkland Harrison against Harriet Y. Harrison.

They were severally read, and referred to the committee on divorce and alimony.

Mr. Speaker also laid before the House sundry depositions in the case of the contested election from the county of Baldwin; which was read, and referred to the committee on privileges and elections.

Mr. Hutchinson introduced a bill to repeal the general ticket system in elections for Representatives in Congress from the State of Alabama, and for other purposes; which was read, and ordered to a second reading.

Mr. McLemore introduced a bill to amend an act entitled an act to organize and establish separate courts of chancery, approved January 26, 1839; which was read, and ordered to a second reading.

Mr. Crenshaw introduced a bill to authorize the circuit court of Butler county to remain in session two weeks at the March term, 1842; which was read, and ordered to a second reading.

Mr. Crenshaw introduced a bill to change the time of holding the winter term of the county court of Butler county; which was read, and ordered to a second reading.

Mr. B. McAlpin introduced a bill to alter and amend the laws of this State in relation to the collection of claims against steamboats and other crafts navigating the waters of Alabama; which was read, and ordered to a second reading.

Mr. B. McAlpin introduced a bill for the better securing mechanics and laborers in the city and county of Mobile; which was read, and ordered to a second reading.

Mr. B. McAlpin introduced a bill to incorporate the mechanics fire company number seven of the city of Mobile; which was read, and ordered to a second reading.

Mr. B. McAlpin introduced a bill to incorporate the Mobile hook and ladder company number one; which was read, and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill of the following title: an act to compel the judges of the county court of the counties of Franklin and Monroe to reside at or within three miles of the courthouse; in which the concurrence of the House is asked.

Mr. Houston introduced a bill for the appointment of commissioners to complete the public buildings of Washington county; which was read the first time, and the constitutional rule being suspended, it was read the second time forthwith, and the constitutional rule being further suspended, it was read a third time forthwith, considered as engrossed, and passed.

Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Mr Griffin of Marshall, introduced a bill to provide for the election of a tax collector for the county of Marshall; which was read, and ordered to a second reading.

Mr. Hogan introduced a bill to incorporate fire engine company number six in the city of Mobile; which was read, and ordered to a second reading.

The bill from the Senate to compel the judges of the county courts of Franklin and Monroe to reside at or within three miles of the courthouse, was read, and ordered to a second reading.

Mr. R. McAlpin introduced a bill authorizing the purchase and distribution of certain books; which was read, and ordered to a second reading.

Mr Rice offered the following resolution:

*Resolved*, That when the standing committees of this House are announced, the Speaker shall announce a select committee whose duty it shall be to ascertain as nearly as possible the various charges that have been imposed upon the bank of the State of Alabama and its several branches, including appropriations of every kind made by the legislature, the compensation of all officers, and every other description of expense which, but for the aid of the banks, would have necessarily had to be met by taxation of the people; and whose further duty, it shall be to ascertain whether any frauds have been committed upon any of the banks, and if any to report them to this House, and that said committee have power to send for persons and papers.

Mr. Hogan moved that the further consideration of the resolution be postponed until to-morrow 11 o'clock, and made the special order of the day, which was carried.

On motion of Mr. Norwood,

*Resolved*, That the committee on the State Bank and Branches, be instructed to enquire into the expediency of requiring the State Bank and Branches to deposit the proceeds of the sales of the sixteenth sections, with the commissioners of the several townships to which the same may belong, requiring the commissioners to give bond and sufficient security, with leave to report by bill or otherwise.

The bill to repeal the general ticket system and for other purposes, being on its second reading, Mr. Reynolds moved that it be referred to the committee on privileges and elections, which was carried.

Mr. Young's amendment to the twenty-second rule being under consideration, Mr. Reynolds moved that it lie on the table, which was carried.

And the House adjourned until to-morrow morning 10 o'clock.

THURSDAY, Nov. 4, 1841.

Messrs. Moores and Woodward, members of this House, appeared within the bar of the House, were qualified and took their seats.

Pursuant to a resolution, Mr. Speaker proceeded to appoint the following standing committees, to-wit:

A committee on privileges and elections, to consist of messrs. B. McAlpin, Smith of Land., Erwin, Winston, Reynolds, Kidd, Griffin of J., Morgan, Sprewell, Jones of M. and Houston.

On enrolled bills, to consist of messrs. Mitchell, McMillion of J., Griffin of S., Jones of Cov., Smith of T., Davenport, Kennedy, Grisham, Crenshaw and Hall.



On internal improvement, to consist of messrs. Erwin, James, Norriss, Ware, Yancey, Jemison, *McLemore*, Rodgers, Norman, *Mundy*, Alexander of Laud., Steele, and Davis of L.

On roads, bridges and ferries, messrs. Wynn, Griffin of *M.*, Harris, *Marchbanks*, *Mason*, *Hammond*, Randolph, Steele, Storrs, Stinson, Wallace and Jefferson.

On ways and means, to consist of messrs. James, Jemison, Reynolds, Troup, Gardner, Alexander of Laud., Morgan, Perkins, *Musgrove*, Norris, Smith of Land. and Bradley.

On military affairs—to consist of messrs. McAllister, Troup, Smith of *H.*, King, Taylor, *Musgrove*, Garrett, Smith of J., Burleson, Bishop, Bradley, Norman and Griffin of *M.*

On county boundaries—to consist of messrs. Winston, Davis of L., Alexander of Low., Taylor, Barron, *Musgrove*, Jones of Con., Houston, Chiles, Woodward, McAllister and Allen.

On education—to consist of messrs. Young, Cochran, *Moore*, R. McAlpin, Hunter, James, Rodgers, Strode, S. McAlpin, *McLemore*, Crenshaw, McLeod, Norman, Fletcher and Sprewill.

On accounts—to consist of messrs. Cochran, R. McAlpin, Troup, Randolph, Armbrister, Haughton, *Marchbanks*, McMillion of J., Valliant, Perkins, Griffin of *M.*, Davis of B., Griffin of S., and Hall.

On divorce and alimony—to consist of messrs. Rushing, Gresham, Griffin of J., Heflin, Alexander of Low., Garrett, Allen, Barker, Armbrister, Broughton, Henslee, Jones of Con., Ford, Jefferson and Kidd.

On the State Bank and Branches—to consist of messrs. Hogan, Walker of Law., Hunter, Wynn, Jemison, S. McAlpin, Reynolds, Clemens, Hutchinson, Smith of L., Jones of mad., Perkins, B. McAlpin and James.

On the State Capitol—to consist of messrs. Perkins, Fletcher, Woodward, Davenport, Henry, mundy, Garland, Davis of B., Burleson and Hammond.

On public printing—to consist of messrs. Rice, Yancey, Smith of T., Chiles, Rodgers, Ware, Smith of J., Hutchinson, Davis of L., McMillion of B., Covington and Gardner.

On the judiciary—to consist of messrs. Walker of B., Young, Clemens, Gresham, Phillips, Rice, Yancey, Winston, Kennedy, Crenshaw, Cochran, R. McAlpin, Erwin, Hutchinson. Walker of L., Houston, Haughton, Rushing, Crawford, Smith of L., Strode and Griffin of J.

On propositions and grievances—to consist of messrs. Taylor, Scott, Bishop, Barron, Crawford, King, mundy, Justice, Smith of *H.*, Rhodes and Cain.

On agriculture—to consist of messrs. Hunter, Reynolds, Ware, Steele, Phillips, S. McAlpin, James, Jemison, Valliant, Jones of *M.*, *Moore*, Barron, Young, Jones of Cov., Norwood, Harris, *Musgrove* and Smith of Laud.

Mr. Winston presented the petition of Polydore Naylor and others of De Kalb, praying for aid to complete the railroad to Gaunter's Landing; which was read and referred to the committee on propositions and grievances.

Mr. Garland presented the petition of Joseph Wofford and others praying the surrender of a certain tract of land therein named, which was read and referred to the judiciary committee.

Accounts were presented by messrs. Walker of Law, Hogan, Broughton, Griffin of S., Rushing, Cain, and Winston, they were severally read and referred to the committee on accounts.

Mr Walker of Law. presented the memorial of James C. Watkins praying the repeal of a certain law therein mentioned, which was read and referred to the delegation of Lawrence county.

Mr Kennedy presented the petition of sundry citizens of Lauderdale county praying the passage of a law to authorize the commissioners of roads and revenue to lay a special tax for the purpose of building a bridge across Shoal creek which was read and referred to the committee on roads bridges and ferries.

Mr Kennedy presented the petition of sundry citizens of Lauderdale county in relation to 16 sections which was referred to the delegation from Lauderdale county.

Mr B. McAlpin presented the petition of S. S. Jennings a citizen of Mobile county, praying to be relieved from the duelling law, which was read and referred to the committee on propositions and grievances.

Mr Storrs presented the petition of sundry citizens of Shelby county, praying the passage of a law, to levy a tax to build a jail, which was read and referred to the delegation of Shelby county.

Mr Rushing presented the petition of Dillard Payne and others praying to be relieved from the purchase of the sixteenth section township 19, Range 3 west in said county which was read and referred to the committee on education.

Mr Bishop presented the petition of sundry citizens of the counties of Randolph, Tallapoosa, and Talladega praying for the formation of a new county, which was read and referred to the committee on county boundaries.

A message was received from the Governor, by J. D. Bagby his private Secretary which is as follows.

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, Nov. 4, 1841. }

SIR:—I have the honor to lay before the House of Representatives the report of the Commissioners appointed to examine the bank of the State of Alabama for the year 1841.

A. P. BAGBY.

HON. DAVID MOORE, Speaker of the House of Representatives.

Mr Hogan moved to proceed to the orders of the day which was carried.

The House resumed the consideration of Mr Rice's resolution introduced on yesterday.

Mr Cochran moved the following amendment that one member shall be appointed by the chair whose duty it shall be to proceed to the places where the State bank and each of its branches is located and call upon the President and cashier of each bank to furnish him with all the facts in their possession relative to any frauds practised or attempted to be practised upon such bank or branch bank, and such member shall report to the said special committee so appointed to the chair who shall report the same to this House as early as possible.

Mr Hogan moved that the resolution with the amendment be referred to the committee on the State bank and branches, which was carried.

The Senate having repaired to the Hall of the House of Representatives Mr President announced the object of the meeting of the two houses. The two Houses then proceeded to the count to ascertain who was the Governor elect, at the election held on the first Monday of Aug. 1841; when it appeared that Benjamin Fitzpatrick had received twenty-seven thousand nine hundred and



seventy-four votes, and James W. McClung had received twenty-one thousand two hundred and nineteen.

Mr Fitzpatrick having received a majority of all the votes given was declared by Mr Speaker duly and constitutionally elected Governor of the State of Alabama for the ensuing two years.

The Senate then withdrew.

And the House adjourned until to-morrow morning 10 o'clock.

FRIDAY, November 5, 1841.

The House met pursuant to adjournment.

Mr Morgan presented the petition of sundry citizens of Autauga county praying to discontinue and establish an election precinct therein named, which was read and referred to the committee on privileges and elections.

Accounts were presented by messrs. Phillips, Chiles, Mundy and Broughton. They were severally read and referred to the committee on accounts.

Mr. McAllister presented the record for divorce in the case of Kenion J. W. Gaylord against Mary Ann Gaylord for divorce; which was read, and referred to the committee on divorce and alimony.

Mr. Moores offered the following: "Amend 30th Rule by striking out all after the word introduced." Lies over one day for consideration.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the bank of the State of Alabama; which was read, and referred, to the committee on State printing.

Ordered that two hundred copies thereof be printed.

Mr. Smith of Laud. offered the following resolution:

*Resolved*, That the committee on public printing be required to print two hundred copies of each bank report for the use of this House; which was rejected.

A message was received from the Governor by James D. Bagby, his private secretary, which is as follows:

EXECUTIVE DEPARTMENT,  
Tuscaloosa, Nov. 4, 1841.

SIR—I have the honor to inform the House of Representatives, that Cordy N. Skinner has been appointed judge of the county court of Franklin county in place of the Hon. John A. Nooe, resigned; and that Elias Frierson has been appointed quartermaster general of the State of Alabama, in place of col. Charles Lewin, deceased.

A. P. BAGBY.

Hon. DAVID MOORE, Speaker of the House of Representatives.

Mr. Speaker laid before the House a communication, and the accompanying documents, from the president of the bank of the State of Alabama. They were severally read, and referred to the committee on public printing.

Ordered that two hundred copies thereof be printed.

Mr. Jemison then offered the following resolution:

*Resolved*, That of the bank reports, and other documents in relation to the banks, referred to the committee on State printing under a resolution adopted by this House on Wednesday 3d inst., there shall be printed of each report and document two hundred copies; which was adopted.

A message from the Senate by Mr. Philpott, their Secretary:

Mr. Speaker—The Senate has adopted the following resolution:

*Resolved*, That a committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House

of Representatives, to examine the comptroller's and treasurer's office, and whether said officers have discharged their several duties; whereupon, messrs. Hudson, Ross and Baylor were appointed said committee.

Also the following :

*Resolved*, That a committee be appointed by the President of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, whose duty it shall be to examine into the operations of the bank of the State of Alabama and the several branches thereof, to ascertain if any frauds have been perpetrated on said banks; by whom and by what means they were committed; and recommend a suitable remedy for preventing and punishing such frauds for the future, should any be found to exist—with power to send for persons and papers. The committee on the part of the Senate consist of messrs. McConnell, Dent and Clarke.

In which the concurrence of the House of Representatives is respectfully requested.

Ordered that the House concur in the first resolution.

Whereupon, messrs. McAlpin of G. Norman and Rogers were appointed said committee.

The second resolution was ordered to lie on the table.

Mr. Speaker laid before the House several reports from the branch bank at Montgomery. They were severally read, and referred to the joint committee on the State bank and branches.

Mr. Young's amendment to the 22d rule, being under consideration,

Mr. Smith of Laud. moved that the further consideration thereof be postponed until the 25th of December next; which was carried. Yeas 49—nays 46.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker, Alexander of Laud. Allen, Armbrister, Bishop, Burleson, Fletcher, Garland, Griffin of J. Hammond, Haughton, Hellin, Henslee, Hogan, Houston, Hunter. Jones of Cov. James, Justice, Kennedy, King, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B. McMillion of J. Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J. Smith of Laud. Steele, Strobe, Taylor, Troup, Valliant, Walker of B. Walker of L. Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs. Alexander of Low. Barker, Barron, Broughton, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B. Davis of L. Ford, Gardner, Gresham, Griffin of M. Griffin of S. Hall, Harris, Henry, Jones of Con. Jones of mad. Jefferson, Jemison, Kidd, mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, moores, mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T. Sprewill, Storrs, Stinson, Wallace, Ware and Young.

A message was received from the Senate by Mr Clitherall.

Mr Speaker: The Senate has passed bills of the following titles, which originated in the House of Representatives.

A bill to be entitled an act for the appointment of commissioners to complete the public buildings of Washington county.

A bill to be entitled an act to authorize Wm. Hughs tax collector of Cherokee county to assess and collect the taxes of said county for the year 1841 and to change the time for the election of said officer, in future.

A bill to be entitled an act to appoint commissioners to superintend

of lots in the town of Warrenton in the county of Marshall and for other purposes, in which the concurrence of the House of Representatives is respectfully asked.

The bill from the Senate to appoint commissioners to superintend the sale of lots in the town of Warrenton in the county of Marshall and for other purposes, was read the first time and ordered to a second reading.

The bill from the Senate to authorize Wm. Hughs tax collector of Cherokee county to assess and collect the taxes of said county for the year 1841 and to change the time for the election of said officer in future, was read the first time and the constitutional rule being suspended it was read the 2d time and the constitutional rule being further suspended was read the 3d time and passed ordered that the title be as aforesaid, ordered that the clerk acquaint the Senate therewith.

The bill to repeal the General Ticket system in elections for Representatives in Congress, was read the second time and referred to the committee on privileges and elections, with the following instructions offered by Mr Jemison.

"That the committee on privileges and elections enquire and report to this House whether the election and return of the last elections so far as relates to the General ticket and District system in the election of members of congress, have been fairly held and correctly returned.

The bill to amend an act, entitled an act to organize and establish separate courts of chancery was read the second time.

Mr Scott moved the following amendment.

In the 4th Section 27th line strike out the words *Lafayette in Chambers*, and insert the words *Tuskegee in Macon county*. The bill was referred to the Judiciary committee; Bills of the following titles to wit,

An act to authorize the circuit court of Butler county to remain in session two weeks at its march term 1842.

An act to change the time of holding the winter term of the county court of Butler county.

And an act to provide for the election of a tax collector in the county of Marshall

Which were severally read a second time and ordered to be engrossed for a third reading.

Mr. Hogan moved that House adjourn until to-morrow morning 10 o'clock which was lost. Yeas 38, Nays 54.

Those who voted in the affirmative are messrs. Alexander of Low, Allen, Barker, Broughton, Cochran, Covington, Davenport, Davis of L. Ford, Griffin of S. Harris, Haughton, Hogan, Houston, James, Jemison, Kidd, King, McAllister, R. McAlpin, McLeod, McMillion of J. Mitchell, Moores, Morgan, Mundy, Perkins, Phillips, Reynolds, Rushing, Scott, Smith of T. Storrs, Strode, Walker of B. Wallace, Ware, and Young.

Those who voted in the negative are messrs. Speaker, Alexander of Laud, Armbrister, Barron, Bishop, Burleson, Cain, Chiles, Crenshaw, Crawford, Davis of B. Fletcher, Gardner, Garland, Gresham, Griffin of J. Griffin of M. Hall, Hammond, Heflin, Henry, Henslee, Hunter, Jones of Con. Jones of Cov. Jones of Mad. Jefferson, Justice, Kennedy, Marchbanks, Mason, B. McAlpin, S. McAlpin, McLemore, McMillion of B. Musgrove, Norman Norwood, Norris, Randolph, Rice, Rhodes, Rodgers, Smith of J. Smith of Laud, Spruill, Stinson, Taylor, Troup, Valliant, Walker of Law. Winston, Woodward, Wynn and Yancey.

Bills of the following titles :

An act to alter and amend the laws of this State relative to the collection of claims against steamboats and other crafts navigating the waters of Alabama;

An act for the better securing mechanics and laborers in the city and county of Mobile—were severally read the second time, and referred to the committee on the judiciary.

Bills of the following titles :

An act to incorporate the mechanics fire company number seven of the city of Mobile ;

An act to incorporate mobile hook and ladder company number one ; and

An act to incorporate fire engine company number six in the city of Mobile —were severally read the second time, and referred to the delegation of Mobile county.

And then the House adjourned until to-morrow morning 10 o'clock.

SATURDAY, November 6, 1841.

The House met pursuant to adjournment.

Accounts were presented by messrs. Morgan, Garland, Chiles and Wynn. They were severally read, and referred to the committee on accounts.

Mr. Crenshaw presented the petition of sundry citizens of Butler county, praying to discontinue and establish an election precinct therein named ; which was read, and referred to the committee on privileges and elections.

Mr. Haughton presented the record for divorce in the case of Nancy D. Morrow against James Morrow ; which was read and referred to the committee on divorce and alimony.

Mr. Wynn, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Washington county, reported that they are unanimously of opinion the county court of said county are clothed with full and ample powers to carry into effect the prayer of the petitioners ; and asked to be discharged from the further consideration of the subject.

Mr. Houston moved that the report lie on the table ; which was carried.

Mr. Cochran, from the committee on accounts, to which was referred the account of Dixon Heath, jailor of Monroe county, reported that said account ought not to be allowed, as it does not appear that the prisoner has not been tried, and until that occurs, it cannot be ascertained that the State is liable for the account, as the prosecutor may be taxed with the cost ; and asked to be discharged from the further consideration of the subject.

Mr. Kidd moved that the report lie on the table, which was carried.

The same committee, to which was referred the account of the estate of Thomas Ellison, reported that it should not be allowed ; and asked to be discharged from the further consideration of the subject.

Ordered that said report lie on the table,

The same committee, to which was referred the account of John M. Lankford, reported that the same ought not to be allowed ; and asked to be discharged from the further consideration of the subject.

Ordered that said report lie on the table.

The same committee, to which was referred the account of Wright Mims, reported that the account ought not be allowed ; and ask leave to be discharged from the further consideration of the subject.

Ordered that the report lie on the table.

The same committee, to which was referred the account of Henry Tuttle reported the same should not be allowed ; and ask leave to be discharged from the further consideration of the subject.

Ordered that said report lie on the table.

On motion of Mr. Ware, ordered that Mr. Hutchinson have leave of absence.

Ordered that Mr. Rice be added to the committee on the S. bank and branches.

Mr. Walker of L. from the select committee to which was referred the communication of James C. Watkins, reported a bill to repeal in part and amend an act, entitled an act to wind up the land office at Courtland, approved January 9, 1841; which was read, and ordered to a second reading.

Mr. Hogan introduced a bill to amend an act, entitled an act the more effectually to prohibit free negroes and persons of color from entering into and residing in this State, approved 2d February, 1839, which was read and ordered to a second reading.

Mr. Jemison offered the following preamble and resolution:

Whereas our State banks have not only disappointed the expectations of their most confiding advocates and friends, but have so far failed in the ends of their creation, that no portion of their past history affords the slightest promise of more favorable or successful results in the future operation of the system, so long as the entire management and control of their affairs shall be confided to those who have no immediate or direct interest in their profits or losses; and, whereas the present amount of banking capital in the State is believed to exceed the amount required by the business of the country: beyond which a circulation of bank paper ought not, and cannot prudently and safely be extended:

*Be it therefore resolved.* That the committee on the State bank and branches, be instructed to prepare and report a plan for the liquidation of such of the banks as in their opinion shall be most expedient, and also prepare and submit a plan for selling out three-fifths of the stock of the remaining banks, to individuals, with such other changes in our present banking system, as will be least oppressive to the people—will most likely protect the bill holder, and will by providing for and ensuring the prompt payment of her bonds, preserve inviolate the faith and honor of our State.

Mr. Strode moved that the further consideration of the resolution be postponed until Saturday next, and made the special order of the day, which was carried.

Mr. Speaker laid before the house a statement by the President of the Bank of the State of Alabama, of the sinking fund of the branch bank at Montgomery, which was read and referred to the committee on state printing.

Ordered, that 200 copies be printed.

Mr. Speaker also laid before the House a statement by the President of the bank of the State of Alabama, of the sinking fund of the branch bank at Decatur, which was read and referred to the committee on state printing.

Ordered, that 200 copies be printed.

Mr. Speaker laid before the House the following records for divorce:

The case of Eliza Biggs, by her next friend Joel Woolley vs. Hugh H. Biggs.

The case of Elizabeth Steelman vs. William Steelman.

The case of John Farley vs. Mary Farley.

The case of Martha Ann Ball vs. Fessender Ball.

The case of Joseph Daniel vs. Huldah Daniel.

They were severally read and referred to the committee on divorce and alimony.

Mr. Speaker also laid before the House sundry depositions in the case of the contested election from the county of Baldwin. They were severally read and referred to the committee on privileges and elections.

On motion of Mr. Walker of L. :

*Resolved*, That the House of Representatives do forthwith go into the election of three members of the House, to act with such committee as may be elected on the part of the Senate, to examine the condition of the State bank and branches.

On motion of Mr. Walker of B. :

*Resolved*, That this House, on Monday next, at the hour of 11 o'clock, will resolve itself into a committee of the whole, for the purpose of taking into consideration the message of his Excellency the Governor.

Mr. Houston presented the memorial of Richard Singleton Moore, a citizen of the county of Baldwin, contesting his right to a seat on this floor as a representative from the county of Baldwin, which was read and referred to the committee on privileges and elections to consider and report thereon.

Mr. Jemison introduced a bill for re-covering and repairing the State capitol, which was read and ordered to a second reading.

Mr. Norris introduced a bill to amend an act, entitled an act to extend the time of indebtedness to the bank of the State of Alabama and its branches, and legalizing the suspension of specie payments and for other purposes, approved June 30th, 1837, which was read and ordered to a second reading.

Mr. Jemison introduced a bill to authorize Allen Woolley to erect a gate across a certain public road therein named, which was read and ordered to a second reading.

Mr. Winston introduced a bill to extend the jurisdiction of justices of the peace in certain cases, which was read and ordered to a second reading.

Mr. Hall introduced a bill to declare Bear creek a public highway, which was read and ordered to a second reading.

Mr. Gresham introduced a bill to repeal an act, entitled an act to organize and establish separate courts of chancery, which was read and ordered to a second reading.

Mr. Spruill introduced a bill to authorize certain persons therein named to sell and dispose of real estate, which was read and ordered to a second reading.

Mr. Cain presented the report of the commissioners for the improvement of the navigation of the Black Warrior river.

Ordered, that said report lie on the table, and that 133 copies be printed.

Mr. McMillion of J. made the following report :

The committee on enrolled bills have examined and find correctly enrolled a bill of the following title, viz.—

An act for the appointment of commissioners to complete the public buildings of Washington county.

Mr. Crenshaw introduced a bill to amend the laws for assessing and collecting the taxes in the county of Butler, and for other purposes, which was read and ordered to a second reading.

Mr. Garland introduced a bill to regulate trials before justices of the peace in the county of Franklin, which was read and ordered to a second reading.

Mr. Scott introduced a bill to establish a new election precinct in the county of Macon, which was read and ordered to a second reading.

Mr. Rodgers introduced a bill to establish a warehouse for the inspection of tobacco, in Decatur in this State, which was read and ordered to a second reading.



Mr. Gresham introduced a bill to incorporate the town of Dadeville in Tallapoosa county, which was read and ordered to a second reading.

Mr. R. McAlpin introduced a bill for the benefit of J. Henrie Hottinger, which was read and ordered to a second reading.

Mr. Griffin of M. introduced a bill to incorporate the town of Warrenton in the county of Marshall, which was read and ordered to a second reading.

Mr. Mason introduced a bill authorizing the commissioners court of roads and revenue, to establish ferries on the Alabama river, in the county of Wilcox, which was read and ordered to a second reading.

On motion of Mr. Smith of Lauderdale,

*Resolved*, That the committee on the State bank and branches, be instructed to report to this House the amount paid by each bank to the valueless sixteenth sections, since the passage of the law for the benefit of said sixteenth sections, and also the amount of interest per annum, arising from the surplus revenue deposited with the said banks.

Mr. Bishop introduced a bill to secure to the bank of the State of Alabama and its branches, the payment of all monies collected for them by sheriffs of the different counties, which was read and ordered to a second reading.

Mr. McLemore introduced a bill to reorganize the militia of the State of Alabama and establish a military code for the government thereof, which was read and ordered to a second reading.

Mr. Gresham introduced a bill to regulate the issuing of subpoenas, which was read and ordered to a second reading.

Mr. Ware introduced a joint memorial to the congress of the United States, on the subject of establishing an armory at the great falls on the Tallapoosa river, which was read and referred to the military committee.

On motion of Mr. McMillion of B.

*Resolved*, That the committee on education be instructed to inquire into the expediency of passing a law permitting the purchasers of sixteenth sections, who have failed to make payment, to relinquish the same; requiring the cashiers of the State bank and its several branches to cancel notes, &c., given by such purchasers respectively, on filing the assent in writing, properly authenticated, of all the citizens of the proper township—with leave to report by bill or otherwise.

On motion of Mr. Walker of Law.—

*Resolved*, That the committee on the State bank and branches be instructed to inquire into the propriety of enlarging the discretionary powers of the president and directors of the State bank and branches, so far as relates to the insolvent and bad debts; and also the expediency of selecting a bank marshal, or some competent and suitable person, whose duty it shall be, under the direction and approval of the president and directors of the several banks, to secure and adjust said class of debts, in whatever manner the interests of the banks and country require—with leave to report by bill or otherwise.

On motion of Mr. Rice—

*Resolved*, That the committee on privileges and elections be instructed to inquire whether any sheriff in this State has failed to make return, according to law, of the late election for governor; and if so, to recommend to this House the adoption of such measures as this violation of law demands.

Mr. Kenneey introduced a bill to change the time of appointing tobacco inspectors for the county of Lauderdale; which was read, and ordered to a second reading.



On motion of mr. Hammond--

*Resolved*, That the judiciary committee be instructed to inquire into the propriety and expediency of prohibiting the members of the General Assembly from recommending any paper intended for discount at the bank of the State of Alabama or either of its branches; and also, to inquire into the expediency of having two men nominated by the commissioners' court in each county, to recommend any paper offered for discount, from the county in which such nominated persons may reside.

Mr. Chiles introduced a bill to alter the manner of compensating executors and administrators in certain cases; which was read; and ordered to a second reading.

Mr. Moores called up the amendment to rule 30,

Mr Rice moved that it lie on the table.

Mr. Smith of L. moved to postpone till the 25th day of December next; which was lost. Yeas 42; nays 50.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Alexander of Laud. Allen, Armbrister, Barker, Bishop, Burleson, Cochran, Davis of L, Fletcher, Garland, Gresham, Griffin of m. Hall, Haughton, Hunter, Hogan, Houston, James, Jones of Cov. Jones of m. Justice, Marchbanks, McAllister, B. McAlpin, McMillion of B. McMillion of J. Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rushing, Smith of J. Smith of L. Strode, Troup, Walker of L. Woodward and Yancey.

Those who voted in the negative are messrs Alexander of Low. Barron, Bradly, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Ford, Gardner, Griffin of J. Griffin of S. Hammond, Harris, Heflin, Henry, Hunter, Jones of Con. Jefferson, Jemison, Kennedy, King, Mason, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Rodgers, Scott, Smith of T. Sprewill, Storrs, Stinson, Taylor, Valliant, Walker of B. Wallace, Ware, Winston, Wynn and Young.

The question recurred on mr Rice's motion to lie on the table, and lost.

Pursuant to a resolution introduced by mr Walker of L. the House proceeded to elect a committee to examine into the affairs and condition of the bank of the State of Alabama. Whereupon, messrs. Walker of Law. Ware and Norman were elected said committee.

Ordered that the clerk acquaint the Senate therewith.

And then the House adjourned till Monday morning 10 o'clock.

MONDAY, November, 8, 1841.

The House met pursuant to adjournment.

Messrs. Erwin and Clemens, members of this House, appeared within the hall of the House of Representatives, were qualified and took their seats.

messrs. McLemore, Jones of Covington, and Gresham presented accounts; which were severally read, and referred to the committee on accounts.

Mr James presented the petition of sundry inhabitants of Clarke county, praying that a part of Monroe county be attached to said county; which was read, and referred to the committee on county boundaries.

Mr Clemens presented the petition of the judge and the commissioners of roads and revenue of Madison county, praying the passage of a law to authorize them to borrow a certain sum of money therein named; which was read, and referred to the delegation of Madison.

Mr. Erwin presented the record for divorce in the case of Simeon Wheeler.

against Catharine Wheeler, which was read and referred to the committee on divorce and alimony.

Mr. Speaker laid before the House the record for divorce in the case of Wilson Eatman against Sarah Eatman, which was read and referred to the committee on divorce and alimony.

Mr. Speaker also laid before the House sundry depositions in the case of the contested election from Baldwin county, which was read and referred to the committee on privileges and elections.

Mr. Speaker also laid before the House sundry resolutions of the State of Maine, in relation to the north-eastern boundary; they were severally read and referred to a select committee.

Whereupon, messrs. Hunter, Bradley, Clemens, R. McAlpin and Reynolds were appointed said committee.

Mr. Walker of B. from the judiciary committee, to whom was referred the petition of John Stringer and Demasis Sims, reported that it is inexpedient to grant the prayer of the petitioners; in which report the House concurred:

Mr. Wynn, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Lauderdale county, reported a bill to levy a special tax in the county of Lauderdale; which was read.

Mr. Smith of Lauderdale, moved that it lie on the table, which was carried:

Mr. McLeod, from the select committee, to which was referred the petition of sundry citizens of Pike county, reported a bill to alter the mode of assessing and collecting the taxes of Pike county, which was read and ordered to a second reading.

A message from the Senate by Mr. Clitherall:

*Mr. Speaker:* The Senate has passed joint resolutions for the relief of Thomas Kellough, tax collector of Sumter county, and for other purposes:

The Senate has also adopted the following resolution:

*Resolved,* That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House, on Wednesday the 10th instant, at the hour of 12 o'clock, M., for the purpose of electing a Judge of the county court for the county of Franklin, in which the concurrence of the House of Representatives is asked.

The Senate has also concurred in the resolution of the House, electing a committee to examine into the affairs and condition of the bank of the State of Alabama and its several branches, and has elected messrs. Oliver, Hudson and Reese said committee, on the part of the Senate.

The House resumed the consideration of Mr. Moore's amendment to the 30th rule.

Mr. Hunter moved to amend Mr. Moore's amendment with the following, "unless where the House shall direct, a bill to be the order for a particular time.

Mr. Rice moved to postpone the further consideration of the subject matter until the 23rd of December next, which was carried.

The House then resolved itself into a committee of the whole, on the message of His Excellency the Governor.

Mr. Walker of Benton, in the chair.

And after some time spent in the consideration of the same, Mr. Speaker resumed the chair; and Mr. Chairman from the committee of the whole house, reported the following resolutions, which were severally concurred in and adopted by the House:

1. *Resolved*, That such parts of the Governor's message, as relates to military affairs and the purchase of a building for an arsenal, be referred to the committee on military affairs.

2. *Resolved*, That such parts of the Governor's message, as relates to the sale of the decisions of the supreme court of the State of Alabama, and the propriety of providing for a more perfect digest of the laws of the State of Alabama, be referred to the committee on the judiciary.

3. *Resolved*, That such parts of the Governor's message as relates to the State bank and branches, and the election of bank directors, be referred to the committee on the State bank and branches.

4. *Resolved*, That such parts of the Governor's message as relates to relieving the banks from defraying the expenses of the State government, be referred to the committee on ways and means.

5. *Resolved*, That such parts of the Governor's message as relates to the general ticket system, be referred to the committee on privileges and elections.

6. *Resolved*, That such parts of the Governor's message as relates to the late acts of congress on the two per cent fund, be referred to the committee on internal improvement.

On motion of Mr. Rice,

*Resolved*, That the committee on the State bank and branches, be instructed to report to this House, a bill to repeal the law which requires all actions brought by the banks, to be brought in the counties where the banks are located, to provide that all suits by the banks shall hereafter be instituted in the counties in which the parties sued may reside; and to provide that the banks hereafter shall have no salaried attorney, but an attorney in each county, whose compensation shall depend on the duties he may perform.

Mr. Crawford introduced a bill to compel justices of the peace of this State to hold their courts not more than once a month, which was read and ordered to a second reading.

Mr. Crawford introduced a bill to divorce Joseph Daniel from his wife Hul-dah Daniel, which was read and ordered to a second reading.

Mr. Phillips introduced a bill, pointing out the mode of foreclosing mortgages on personal property, which was read and ordered to a second reading.

Mr. Winston introduced a bill to repeal in part an act, entitled an act regulating punishments under the penitentiary system, approved January the 9th, 1841, which was read and ordered to a second reading.

Mr. Hammond introduced a bill for the relief of tales jurors for the county of St. Clair, which was read and ordered to a second reading.

Mr. McMillion of J. introduced a bill to run and mark out the line between the counties of Shelby and Jefferson, which was read and ordered to a second reading.

On motion of Mr. Jemison,

*Resolved*, That so much of the Governor's message as relates to relieving the banks from the appropriation in aid of valueless 16th sections, be referred to the committee on education.

Mr. Hogan, who, in the majority on the adoption of Mr. Rice's resolution, introduced this day, moved to reconsider that vote, which was lost.

The yeas and nays being demanded—yeas 28; nays 67.

Those who voted in the affirmative are, messrs. Speaker, Clemens, Covington, Davis of L., Erwin, Gardner, Haughton, Hogan, Jones of Mad., Jemison,

R. McAlpin, S. McAlpin, McMillion of B., Mitchell, Norman, Norris, Phillips, Reynolds, Rushing, Smith of T., Spruill, Strode, Troup, Wallace, Ware, Yancey and Young.

Those who voted in the negative are, messrs. Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Chiles, Cochran, Crenshaw, Crawford, Davenport, Davis of Bibb, Fletcher, Ford, Garland, Griffin of J., Griffin of M., Griffin of S., Hall, Hammond, Harriss, Heflin, Henry, Henslee, Houston, Hunter, James, Jones of Con., Jones of Cov., Jefferson, Justice, Kennedy, King, Kidd, Marchbanks, Mason, McAllister, B. McAlpin, McLeod, McMillion of Jef., Moores, Morgan, Mundy, Musgrove, Norwood, Randolph, Rice, Rhodes, Rodgers, Scott, Smith of H., Smith of J., Smith of Laud., Steele, Storrs, Stinson, Taylor, Valliant, Walker of B., Walker of Law., Winston and Woodward.

On motion of Mr. Smith of Tuscaloosa,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of re-organizing the independent chancery court, upon the following plan, to-wit: To divide the State into three chancery divisions, giving one chancellor to each division. Let the chancery court be held once a year in each county in the State. Let there be a vice-chancellor in each county, who shall be appointed by the chancellor, who shall hold his office at the courthouse of the county for which he may be appointed; and whose duties shall be those now performed by the register and master in chancery, with other duties and powers to be prescribed by the act.

Message from the Senate by mr. Clitherall:

*Mr. Speaker*: The Senate has passed bills of the following titles—

A bill to be entitled an act to amend the laws in regard to limitations of actions.

A bill to be entitled an act to regulate judicial proceedings in the county court of Mobile county.

A bill to be entitled an act to amend the charter of the bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes.

A bill to be entitled an act concerning suits against executors, administrators, &c.

In which the concurrence of the House of Representatives is respectfully asked.

Ordered, that the House concur in the resolution of the Senate, proposing to go into the election of a judge of the county court of Franklin county.

Ordered, that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles, to-wit:

Joint resolutions for the relief of Thomas Kellough, tax collector of Sumter county.

An act to amend the laws in regard to limitations of actions.

An act to regulate judicial proceedings in the county court of Mobile county.

An act to amend the charters of the bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes. And,

An act concerning suits against executors, administrators, &c.

They were severally read the first time and ordered to a second reading.

Mr Speaker, laid before the House a statement of the sinking fund of the branch bank at Huntsville, which was read and referred to the committee on State printing.

Ordered, that 200 copies be printed.

The house then proceeded to the orders of the day.

Engrossed bills of the following titles to wit:

An act to provide for the election of a tax collector for the county of Marshall.

An act to authorize the circuit court of Butler county to remain in session two weeks at its March term 1842, and An act to change the time of holding the winter term of the county court of Butler, Were severally read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill from the Senate, to compel the judges of the county court of Franklin county, and Monroe county to reside at or within three miles of the courthouse, was read the second time.

Mr Mason moved to amend the bill, by inserting the word Wilcox after the word Franklin.

The bill and amendment was referred to the judiciary committee.

Bills of the following titles to wit:

An act authorizing the purchase and distribution of certain books.

An act for the benefit of J. Henry Hottinger.

An act to alter the manner of compensating executors and administrators in certain cases.

An act to regulate the issuing of Subpoenas.

An act to secure to the bank of the State of Alabama and its branches the payment of all monies collected for them by the sheriff of different counties.

An act to regulate trials before justices of the peace in the County of Franklin.

An act to authorize certain persons therein named to sell and dispose of real estate.

An act to repeal an act entitled an act, to organize and establish separate courts of chancery.

An act more effectually to prohibit free negroes and persons of color, from entering into and remaining in this State, approved the 2, February 1839.

An act to extend the jurisdiction of justices of the peace in certain cases.

Were severally read the second time and referred to the judiciary committee.

The bill from the Senate to appoint commissioners to superintend the sale of lots in the town of Warrenton in the county of Marshall and for other purposes was read the second time and referred to the delegation of Marshall.

Bills of the following titles to wit.

An act to repeal in part and amend an act entitled an act to wind up the land office at Courtland approved January 9, 1841.

An act to authorize Allen Wooley to erect a gate across a certain public road therein named.

An act to declare Bear Creek a public highway.

An act to amend the laws for assessing and collecting the taxes in the county of Butler and for other purposes.

An act to establish a warehouse for the inspection of tobacco, at Decatur in this State.

An act to incorporate the town of Dadeville in Tallapoosa county.

An act to incorporate the town of Warrenton in the county of Marshall and

An act to change the time of appointing tobacco inspectors for the county of Lauderdale.

Were severally read the second time and ordered to be engrossed for a third reading.

The Bill to re-organize the militia of the State of Alabama and establish a code for the government thereof was read the second time and referred to the military committee.

The bill authorizing the commissioners of roads and revenue to establish ferries on the Alabama river in the county of Wilcox which was read and referred to the committee on roads bridges and ferries.

Mr Mitchell made the following report.

The committee on enrolled bills have examined and find correctly enrolled an act to authorize Wm Hughs Tax collector of Cherokee county to assess and collect the taxes of said county for the year 1841 and to change the time for electing said officer in future.

The bill to establish a new election precinct in the county of Macon was read and referred to committee on privileges and elections.

The bill to amend an act entitled an act to extend the time of indebtedness to the bank of the State of Alabama and its branches, and legalizing the suspension of specie payments, and for other purposes, approved June 30th 1837, was read the 2d time and referred to the committee on the State bank and branches.

The bill for recovering and repairing the State capitol was read the second time.

Mr. Rice moved that it lie on the table, which was lost ; yeas 43, nays 52.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Alexander of Low., Allen, Armbrister, Bishop, Broughton, Cochran, Crenshaw, Crawford, Ford, Gresham, Griffin of M., Griffin of S., Hammond, Heflin, Henslee, Hunter, James, Jones of Con., Jefferson, Justice, Kennedy, Mason, McAlister, McLeod, Morgan, Mundy, Norman, Norriss, Norwood, Phillips, Rice, Rhodes, Rodgers, Scott, Smith of H., Smith of Laud., Steele, Storrs, Stinson, Walker of B., Ware, Winston and Yancy.

Those who voted in the negative are, messrs. Speaker, Alexander of Land., Barker, Barron, Bradley, Burleson. Cain, Chiles, Clemens, Covington, Davenport, Davis of B., Erwin, Fletcher, Garland, Gardner, Griffin of J., Hall, Harriss, Haughton, Henry, Hogan, Houston, Jones of Cov., Jones of Mad., Jemison, King, Marchbanks, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, McMillion of B., McMillion of Jeff., Mitchell, Norris, Musgrove, Randolph, Reynolds, Rushing, Smith of J., Smith of T., Spruill, Strode, Taylor, Troup, Valliant, Walker of Law., Wallace, Woodward, Wynn and Young.

The bill was referred to the committee on the State capitol.

On motion of Mr. James,

*Resolved*, That the committee on the State bank and branches be instructed to inquire and report to this House, in a condensed and specific form, the amount and condition of the sinking fund in said bank and branches.

Mr. Bishop introduced a bill to establish an additional regiment of the mili-

tia of this State, and for other purposes therein named, which was read and ordered to a second reading.

On motion of Mr. Kennedy,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the constitution, so as to legalize biennial sessions of the State legislature, and that they be instructed to report by bill or otherwise.

Mr. Norwood introduced a bill to repeal in part and amend an act therein named, which was read and ordered to a second reading.

Mr. Jones of Cov., introduced a bill to ascertain and fix a suitable site for the permanent location of the courthouse in Covington county, and for other purposes, which was read and ordered to a second reading.

Mr. Houston introduced a bill to establish a ferry in Washington county, which was read and ordered to a second reading.

Mr. Yancey introduced a bill, fixing the time of holding justices courts in the counties of Coosa and Autauga, and for other purposes, which was read and ordered to a second reading.

Mr. Davenport introduced a bill for the relief of Harriet Hatfield, which was read and ordered to a second reading.

On motion of Mr. Crawford,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill authorizing the different sheriffs of this State to advertise their sales in the public gazettes of the State.

Mr. Phillips introduced a bill to provide for the working of roads on beat lines, and for other purposes, which was read and ordered to a second reading.

Mr. Heflin introduced a bill to change the time of holding the county courts in the county of Randolph, which was read and ordered to a second reading.

On motion of Mr. Spruill,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of reducing the salary of the warden of the penitentiary.

Mr. Harriss introduced a bill to prevent oppressions in suits by the banks, which was read and ordered to a second reading.

Mr. Griffin of J., introduced a bill to reduce the fees of the county clerks in certain cases therein named, which was read and ordered to a second reading.

Mr. Strode offered the following, which lies over one day for consideration: "Strike out all the 26th rule after "each day," to the word next, and insert "the chair shall call the counties alphabetically," at which time the members from the county called may introduce petitions or bills.

Mr. B. McAlpin introduced a bill to alter and amend the charter of the city of Mobile, which was read and ordered to a second reading.

Mr. Covington introduced a bill to amend the laws on the subject of attachments; which was read, and ordered to a second reading.

Mr. Covington introduced a bill to declare the Noxubee river a navigable stream; which was read, and ordered to a second reading.

On motion of Mr. Hammond—

*Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Thos. Alford, in the county of St. Clair.

Mr. B. McAlpin introduced a bill to require the corporations of this State to sell and dispose of their real and personal estate; which was read, and ordered to a second reading.

And then the House adjourned until to-morrow morning 10 o'clock.



TUESDAY, November 9, 1841.

The House met pursuant to adjournment.

Accounts were presented by messrs Hunter and McLemore. They were severally read, and referred to the committee on accounts.

Mr Hunter presented the petition of Edmund Sheppard, a citizen of Barbour county, praying the repeal of a certain act therein named; which was read and referred to the committee on roads, bridges and ferries.

Mr Erwin presented the petition from the bakers and other citizens of Mobile; which was read, and referred to the delegation of Mobile county.

Mr Erwin presented the petition of sundry citizens of Mobile county, and others, relative to the employment of competent engineers on board steamboats; which was read, and referred to a select committee.

Whereupon messrs Erwin, Hogan, R. McAlpin and B. McAlpin were appointed said committee.

On motion of Mr Ware--

*Resolved*, That the doorkeeper be required to let down the upper portions of the windows in this hall, in order that the same may at all times be properly ventilated.

Mr Mason presented the petition of the citizens of township 10, range 5, of the county of Wilcox; which was read, and referred to the committee on education.

Mr Walker of Benton, from the judiciary committee, to whom was referred the petition on the part of the mechanics' fire company number 7 of the city of Mobile, and the petition of Mobile hook and ladder company number one, reported them back to the House, and asked to be discharged from the further consideration of the subject; which was granted.

The petitions were then referred to the delegation of Mobile county.

The same committee, to which was referred the bill to alter and amend the laws of this State relative to the collection of claims against steamboats and other crafts navigating the waters of Alabama river, reported sundry amendments.

Mr Erwin moved to amend it, by way of proviso.

Mr Young moved to refer the bill and amendments to the delegation of Mobile, Greene, Tuscaloosa and Coosa; which was lost.

It was then referred to the judiciary committee.

A message was received from the Governor by William Garrett, Secretary of State, which is as follows:

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, November 9, 1841. }

Sir—I have the honor to lay before the House of Representatives, copies of joint resolutions of the Legislature of Pennsylvania in relation to public lands; of the Legislature of Delaware, on the same subject; of Kentucky, in favor of limiting the office of President to one term; of Delaware, on the same subject; of Indiana, in favor of designating the same day throughout the United States for the election of President and Vice President; of Massachusetts, concerning the northeastern boundary, the public land, re-eligibility of the President, and the revenue laws of the United States; and a memorial from the directors of the New York Lyceum: all of which is respectfully submitted for your consideration.

Mr Smith of T. moved that the accompanying document from the directors

of the New York Lyceum be referred to the committee on education; and the document in relation to the northeastern boundary from the State of Massachusetts, was referred to the select committee to which was referred resolutions from maine on that subject.

Mr Cochran, from the committee on accounts, to which was referred the account of James Odell, reported that there is no evidence that said account is just; and asked to be discharged from the further consideration of the subject; which was granted.

The same committee, to which was referred the account of Asa Parker, jailor of Monroe county, reported that the same ought not to be allowed, for two reasons: 1st, The Legislature have once made an allowance for the same; and 2d, The account itself does not show, that the State is bound to pay it; and asked to be discharged from the further consideration of the subject.

Ordered that said report lie on the table.

The same committee, to which was referred the account of B. F. Randell, sheriff of Shelby county, reported that the same ought not to be allowed; and asked to be discharged from the further consideration of the subject.

Ordered that said report lie on table.

The same committee, to which was referred the account of Joseph Young, a constable of Franklin county, reported that the same ought not to be allowed, as all the items in his account, for which he is entitled to charge, are properly chargeable to the county; and ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Hogan, from the committee on the State bank and branches, to whom was referred a resolution directing them to inquire into the expediency of requiring the State bank and branches to deposit the proceeds of the sales of sixteenth sections with the commissioners of the several townships, to which the same may belong, requiring the commissioners to give bond and sufficient security, reported that it is inexpedient to take any further action thereon; and asked to be discharged from the further consideration of the subject; which was granted.

Mr R. McAlpin made the following report:

The judiciary committee, to whom was referred a resolution instructing them to inquire into the propriety and expediency of prohibiting members of the General Assembly from recommending any paper intended for discount at the bank of the State of Alabama or either of its branches; and also, to inquire into the expediency of having two men nominated by the commissioners' court in each county to recommend any paper offered for discount, from the county in which such nominated persons may reside—have had the same under consideration; and have instructed me to report—"That it is inexpedient so to legislate upon these subjects."

Mr Walker of B. moved that it lie on the table which was carried.

Mr Griffin of M. from the select committee, to which was referred the bill from the Senate to appoint commissioners to superintend the sale of lots in the town of Warrenton in the county of Marshall and for other purposes, reported the same without amendment.

The bill was ordered to a 3d reading.

Mr Speaker laid before the House sundry documents in relation to the bank of the State of Alabama, they were severally read and referred to the joint committee on the State bank and branches.

Mr Walker of B. offered the following,

**Resolved,** That seven members of all the committees of this house shall constitute a quorum to transact business during this session, which lies over one day for consideration.

Mr Jamison introduced a bill to place in liquidation the branch of the bank of the State of Alabama at Decatur, which was read and ordered to a second reading.

Mr Rice introduced a bill to provide for the removal of the seat of Government, which was read and ordered to a second reading.

On motion of Mr Norris.

**Resolved,** That the committee on the State bank and branches be instructed to inquire into the expediency of liquidating the affairs of the branch of the bank of the State of Alabama at Mobile, and to require the Governor in behalf of the State, to subscribe for the two fifths of the capital stock of the Planters and merchants bank reserved to the State, also, the expediency of liquidating the affairs of the branch bank at Decatur, with leave to report by bill or otherwise.

Mr Spruill introduced a bill to amend an act regulating punishments under the penitentiary system which was read and ordered to a second reading.

The house then proceeded to the orders of the day.

Engrossed bills of the following titles towit:

An act to change the time of appointing tobacco inspectors for the county of Lauderdale.

An act to establish a warehouse for the inspection of tobacco in the town of Decatur in this State.

An act to declare Bear creek a public highway.

An act to amend the laws for assessing and collecting the taxes in the county of Butler and for other purposes.

An act to authorize, Allen Wooley to erect a gate across a certain public road therein named.

An act to repeal in part, and amend an act, entitled an act, to wind up the land office at Courtland, approved January 9th 1841, and

An act to incorporate the town of Warrenton in the county of Marshall. were severally read the third time and passed.

Ordered that the title be as aforesaid,

Ordered that the same be sent to the Senate for their concurrence:

Bills of the following titles towit:

An act to require the corporations of this State to sell and dispose of their real and personal estate.

An act to amend the laws on the subject of attachments.

An act for the relief of tales Jurers in the county of St Clair.

An act to repeal in part, an act entitled an act regulating punishments under the penitentiary system, approved January the 9th 1841.

An act pointing out the mode of foreclosing mortgages on personal property and,

An act to compel justices of the peace of this State to hold their courts, not more than once a month.

Were severally read the second time and referred to the judiciary committee.

The bill to declare the Noxubee river a navigable stream, was read the 2d time and referred to the committee on internal improvements,

The bill to alter and amend the charter of the city of Mobile, was read the second time and referred to the delegation of Mobile.

The house resumed the consideration of Mr Strode's amendment, to rule number 26.

Mr Young, moved to insert the words and "Bills" which was agreed to.

Mr Rice moved to postpone the further consideration of Mr Strode's amendment until the 20th December next which was lost.

The amendment was then adopted.

Bills of the following titles, to wit:

An act to reduce the fees of the county clerks in certain cases, therein named.

An act to divorce Joseph Daniel from his wife, Huldah Daniel.

Were severally read the second time, and referred to the committee on divorce and alimony.

The bill to prevent oppressions in suits by the banks, was read the second time, and referred to the committee on the State bank and branches.

Bills of the following titles, to wit:

An act to change the time of holding the county courts in the county of Randolph;

An act fixing the times of holding justices' courts in the counties of Coosa and Autauga, and for other purposes;

An act to establish a ferry in Washington county;

An act to ascertain and fix a suitable site for the permanent location of the courthouse in Covington county, and for other purposes; and

An act altering the mode of assessing and collecting the taxes of Pike county;

Were severally read the second time, and ordered to be engrossed for a third reading.

The bill to provide for working of roads on beat lines, and for other purposes, was read the second time, and referred to the committee on roads, bridges and ferries.

The bill for the relief of Harriet Hatfield, was read the second time.

Mr. Norris moved to amend it by an additional section; which was carried.

Mr Hall also moved to amend it by an additional section; which was carried.

The bill, as amended, was referred to the judiciary committee.

The bill to repeal in part and amend an act therein named, was read the second time, and referred to the committee on internal improvement.

The bill to establish an additional regiment of the militia of this State, and for other purposes therein named, was read the second time, and referred to the military committee.

Bills from the Senate of the following titles, to wit:

An act concerning suits against executors, administrators, &c.;

An act to amend the charters of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes; and

An act to amend the laws in regard to limitations of actions;

Were severally read the second time, and referred to the judiciary committee.

Bills from the Senate of the following titles, to wit:

Joint resolution for the relief of Thomas Kellough, tax collector of Sumter county, and for other purposes ; and

An act to regulate judicial proceedings in the county court of mobile county.

Were severally read the second time, and ordered to a third reading.

The bill to run and mark out the line between the counties of Shelby and Jefferson, was read the second time, and ordered to be engrossed for a third reading.

On motion of mr B. McAlpin—

*Resolved*, That the State bank committee be instructed to inquire into the expediency of appointing commissioners to collect and adjust the suspended debt of the State bank and branches ; and whether or not it would be expedient to prevent the banks of the State by law from discounting notes of any description of *size* or *time* ; and whether it would be expedient to release the banks by taxation from the burden of the payment of the expenses of the State government ; and that they report by bill or otherwise.

Mr Moores offered the following preamble and resolution :

*Whereas*, it is a prevalent opinion, that there is a radical defect in the organization of our banking system, and that it is believed to be incumbent on the present Legislature, to commence a thorough and efficient reformation of the present system :

*Be it therefore resolved*, That the committee on the State bank and branches be instructed to inquire into the propriety of re-organizing the branch bank at Decatur, so as to convert the said branch bank into a stock bank, two-fifths of which shall belong to the State, and three-fifths to individual stockholders.

*Resolved*, That the committee on the State bank and branches be further instructed to inquire into the expediency of compelling the State bank and each of its branches to purchase, through their respective agents, either in the eastern cities or in Europe a certain amount of our State bonds, say 40 or 60,000 dollars annually ; said bonds not to be purchased at a rate above their par value ; and that the law appropriating 200,000 dollars to valueless sixteenth sections, be repealed ; and that said 200,000 dollars be used in the purchase of said State bonds.

Which was adopted. Yeas 58, nays 28.

Those who voted in the affirmative are, messrs Speaker, Alexander of Low. Allen, Armbrister, Barron, Bradley, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Gresham, Griffin of m. Griffin of S. Hall, Hammond Harris, Haughton, Heflin, Henry, Houston, Hunter, Jones of Con. Jones of mad. Jefferson, Jemison, Justice, Mason, McAllister, B. McAlpin, R. McAlpin, S. McAlpin, McLeod, Moores, Norris, Norwood, Perkins, Phillips, Rhodes, Rushing, Scott, Smith of H. Smith of J. Smith of T. Spruill, Steele, Storrs, Stinson, Troup, Walker of B. Wallace, Ware, Winston, Woodward and Young.

Those who voted in the negative are, messrs Barker, Bishop, Burleson, Cain, Davis of L. Fletcher, Ford, Garland, Griffin of J. Henslee, Jones of Cov. Kidd, King, Marchbanks, McMillion of B. Morgan, Norman, Randolph, Reynolds, Rice, Smith of L. Rodgers, Strode, Taylor, Valliant, Walker of Law. Wynn and Yancey.

And then the House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, November 10, 1841.

The House met pursuant to adjournment.

Mr Jones of Con. introduced a bill to incorporate the Burnt Corn male academy in the county of Conecuh; which was read, and ordered to a second reading.

Mr Jones of Covington, introduced a bill for the relief of Sarah Squires; which was read, and ordered to a second reading.

Mr Justice introduced a bill to create a certain county therein named, and for other purposes; which was read, and ordered to a second reading.

Mr Justice also introduced the petition of sundry citizens of Dale county, praying the establishment of a new county; which was read; and referred to the committee on county boundaries.

Mr Norwood introduced a bill to establish an office of discount and deposit in the town of Selma, Dallas county; which was read, and ordered to a second reading.

Mr Young introduced a bill regulating the practice of dental surgery, and for other purposes; which was read and ordered to a second reading.

Mr Armbrister introduced a bill for the relief of debtors; which was read, and ordered to a second reading.

Mr Smith of J. introduced a joint memorial to the Congress of the United States, in relation to lands lying in Jackson county south of the Tennessee river; which was adopted.

Ordered that the clerk acquaint the Senate therewith:

Mr McMillion of J. introduced a bill to designate the line between the 15th and 88th regiments of Alabama militia, in the county of Jefferson; which was read, and ordered to a second reading.

Mr Walker of Law. introduced a bill to regulate the damages in appeals and writs of error; which was read, and ordered to a second reading.

Mr Walker of Law. introduced a bill to protect the rights of females; which was read, and ordered to a second reading.

Mr Alexander of Laud. presented the memorial of Peter Romine; which was read; and referred to the committee on education.

Mr Scott introduced a bill to incorporate Midway academy, in the county of Macon; which was read, and ordered to a second reading.

Mr Griffin of m. presented the memorial of John Staines, administrator of the estate of Wm. G. Campbell, deceased; which was read, and referred to the committee on propositions and grievances.

Mr B. McAlpin introduced a bill to collect and adjust the debts due the bank of the State and the several branches, and for other purposes; which was read, and ordered to a second reading.

Mr Erwin presented the account of the sheriff of mobile county; which was read, and referred to the committee on accounts.

Mr Kidd introduced a bill to change the venue in certain cases; which was read, and ordered to a second reading.

Mr Gardner, the record for the divorce in the case of Jane Johnson and Henry Johnson; which was read and referred to the committee on divorce and alimony.

Mr Gardner also presented the petition of Edward Curnton; which was read, and referred to the delegation from Pickens county.

Mr Wallace introduced a bill to compel the county treasurer of Pickens county, to reside at or near the county site; which was read, and ordered to a second reading.

**Mr Rushing** introduced a bill to authorize the judge of the county court and commissioners of roads and revenue for Sumter county to appoint an additional surveyor for said county; which was read, and ordered to a second reading.

**Mr Bishop** introduced a bill to abolish certain election precincts in the county of Talladega, and to establish precincts in said county; which was read, and ordered to a second reading.

A message from the Senate, by **Mr Clitherall**:

**Mr Speaker**—The Senate has passed bills, which originated in the Senate, of the following titles:

An act to prevent the shooting or killing of deer during certain seasons of the year, in Limestone county;

An act to compensate the commissioners of roads and revenue in the counties of Dale and Wilcox;

In which the concurrence of the House of Representatives is respectfully asked.

**Mr Walker of B.** from the judiciary committee, to which was referred the bill to compel the judges of the county courts of Franklin and Monroe to reside at or within three miles of the courthouse, reported the following amendment: "Strike out 'of Franklin and Monroe,' and insert 'of this State.'"

**Mr Rice** moved that the bill lie on the table; which was lost.

The question was to concur in the amendment; which was carried.

**Mr Erwin** moved the following amendment: "Except mobile, Washington, Covington, Henry, Lowndes, Baldwin, Jefferson, Coosa, Bibb and Talladega;" which was lost.

**Mr Rice** moved that the bill lie on the table; which was lost.

**Mr Erwin** moved to amend the bill by striking out the word "three," and to insert the word "seven"; which was lost.

**Mr Erwin** moved further to amend the bill, with the following: "Or that they shall attend at least \_\_\_\_\_ days at the courthouse of their respective counties in each county"; which was lost.

**Mr Rice** offered the following amendment: "Insert after 'said counties,' or attend at the courthouse of their county, on Monday and Saturday of each week, during the hours of 10 o'clock a. m. and 4 o'clock p. m., (unless prevented by sickness or necessary business out of the county.)"

**Mr. Garland** moved to refer the bill to a select committee which was lost.

The question recurred on **Mr. Rice's** amendment and lost.

**Mr. B. McAlpin** moved to postpone the further consideration of the bill until the 20th of December next, which was lost. Yeas 36, nays 57.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Alexander of Laud., Allen, Armbrister, Cain, Clemens, Davis of L., Erwin, Fletcher, Hall, Heflin, Houston, James, Jones of Cov., Jones of Mad., McAllister, B. McAlpin, R. McAlpin, McElmore, McMillion of B., McMillion of Jef., Mitchell, Mundy, Musgrove, Perkins, Phillips, Randolph, Reynolds, Rice, Rushing, Smith of Laud., Spruill, Steele, Strode, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs. Speaker, Alexander of Low., Barker, Barron, Bishop, Bradley, Broughton, Burleson, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B., Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton,



Henslee, Hunter, Jones of Con., Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, S. McAlpin, McLeod, Moores, Morgan, Norman, Norris, Norwood, Rhodes, Rodgers, Scott, Smith of J., Smith of T., Storrs, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of Law., Wallace, Ware, Winston and Young.

Mr. Norman offered the following amendment, "or that he shall attend at the courthouse of his respective county, from the hours of 10 a. m. to 3 p. m. on Monday of each week, unless prevented by sickness," which was lost.

The bill as amended was ordered to a third reading.

Mr. Walker of Benton, made the following report:

The committee on the judiciary, to which was referred a bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, approved January 26, 1839, according to order have had the same under consideration, and have proposed sundry amendments to the bill thereto attached, and have instructed me to recommend the adoption of the amendments made by the committee, and to reject the amendment proposed to the House to strike out the word Lafayette, in the county of Chambers, and insert the word Tuskegee, in the county of Macon.

The committee would most respectfully suggest to the House, that it is their deliberate opinion, that the interest of the country requires the passage of this bill, or one similar in detail. The great accumulation of chancery business throughout the State, has rendered it impossible for two chancellors to do and perform the business, and to withhold the necessary relief to the community at large, is highly culpable in legislation and a great denial of justice to the people at large. Therefore, the committee have instructed me to recommend the passage of this bill.

Mr. Winston moved that the bill and amendments lie on the table, and 150 copies be printed.

The question being divided, the vote was first taken to lie on the table and carried.

The vote was then taken to print 150 copies and carried.

The same committee, to which was referred a resolution to inquire into the expediency of reducing the salary of the warden of the penitentiary. reported that it is inexpedient to reduce the salary of the warden, and for the purpose to show the importance the committee attached to that office, they report further, that it is their opinion that the salary of the warden ought to be raised 500 dollars.

Mr. B. McAlpin moved that the report lie on the table, which was carried.

Mr. Wynn, from the committee on roads, bridges and ferries, to which was referred the bill authorizing the commissioners courts of roads and revenue to establish ferries on the Alabama river, in the county of Wilcox, reported an amendment which was adopted by the House.

The bill was ordered to be engrossed for a third reading.

Mr. Taylor, from the committee on propositions and grievances, to which was referred the petition of Polydore Naylor and others, reported the same as inexpedient, in which the House concurred.

The same committee, to which was referred the petition of S. S. Jennings, reported a bill for the relief of S. S. Jennings, which was read and ordered to a second reading.

Mr. Rushing, from the committee on divorce and alimony, to which was

referred the record for divorce in the case of Amanda White against William White, reported a bill to divorce Amanda White from William White, which was read and ordered to a second reading.

The same committee, to which was referred the record for divorce in the case of Joseph Daniel against Huldah Daniel, reported a bill to divorce Joseph Daniel from Huldah Daniel, which was read and ordered to a second reading.

On motion of Mr. Norman,

*Resolved*, That the Senate be invited to assemble in the Representative Hall for the purpose of going into the election of a judge of the county court of Franklin county.

Ordered, that the clerk acquaint the Senate therewith.

The Senate having repaired to the hall, the two houses proceeded to the election of a judge of the county court of Franklin county.

Cordy N. Skinner, Micajah Tarver, Lemuel Cook and Henry C. Jones, being in nomination.

Those who voted for mr. Skinner are, messrs. Address, Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack, of the Senate; and messrs. Barker, Barron, Bradley, Broughton, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Erwin, Ford, Garland, Gresham, Griffin of m., Griffin of S., Harris, Hunter, Jones of Con., Jefferson, Jemison, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moores, Mundy, Norwood, Rhodes, Scott, Smith of T'us., Spruill, Storrs, Walker, Ware and Young.

Those who voted for mr. Tarver are, messrs. Davis of L., Hall, Houston, James, Norman, Norris, Perkins, Phillips, Reynolds, Valliant and Walker of L., of the House.

Those who voted for mr. Cook are, messrs. Hudson and McAllister of the Senate, and messrs. Bishop, Burleson, Gardner, Heflin, Marchbanks, McMillion of J., Smith of J., and Taylor, of the House.

Those who voted for Mr. Jones are, messrs. President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Jones, McClanahan, McConnell, Reese, Toulmin and Turner, of the Senate; and messrs. Speaker, Alexander of Low., Allen, Armbrister, Clemens, Davis of B., Fletcher, Griffin of J., Hammond, Haughton, Hunter, Jones of Cov., Jones of m., Kennedy, McAllister, B. McAlpin, McLeod, McMillion of B., Morgan, Musgrove, Randolph, Rice, Rogers, Rushing, Smith of Laud., Steele, Strode, Stinson, Troup, Walker of B., Winston, Woodward, Wynn and Yancey, of the House.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election.

Those who voted for mr. Skinner are, messrs. Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack, of the Senate; and messrs. Barker, Barron, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Erwin, Ford, Gardner, Garland, Gresham, Griffin of S., Hall, Harris, Hunter, Jones of Con., Jefferson, Jemison, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Phillips, Rhodes, Scott, Smith of T., Storrs, Wallace, Ware and Young.

Those who voted for mr. Tarver are, messrs. Cochran, Houston, James, Norman, Reynolds and Walker of L.

Those who voted for mr. Cook are, mr. Hudson of the Senate, and messrs. Alexander of Laud., and Griffin of m.

Those who voted for mr. Jones are, messrs. President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Jones, *McAllister*, *McClanahan*, *McConnell*, Reese, Toulmin and Turner, of the Senate; and messrs. Speaker, Alexander of Low., Allen, Armbrister, Bishop, Burleson, Clemens, Davis of B., Davis of L., Fletcher, Griffin of J., Hammond, Haughton, Heflin, Henslee, Jones of Cov., Jones of M., Kennedy, Marchbanks, *McAllister*, B. *McAlpin*, *McLeod*, *McMillion* of B.; *McMillion* of J., Morgan, Musgrove, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of Land., Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Winston, Woodward, Wynn and Yancey, of the House.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election.

Those who voted for mr. Skinner are, messrs. Andress, Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack of the Senate; and messrs. Barker, Barron, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Garland, Gresham, Griffin of S., Hall, Harris, Hunter, Jones of Cov., Jefferson, Jemison, Justice, Kidd, Mason, R. *McAlpin*, S. *McAlpin*, *McLemore*, *Mitchell*, *Moore*s, *Mundy*, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T. Spruill, Storrs, Wallace, Ware and Young.

Those who voted for mr. Jones are, mr. President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Jones, *McAllister*, *McClanahan*, *McConnell*, Reese, Toulmin, Turner and Wilson of F., of the Senate; and messrs. Speaker, Alexander of Low., Alexander of Land., Allen, Armbrister, Bishop, Burleson, Clemens, Cochran, Davis of L., Fletcher, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Houston, James, Jones of Cov., Jones of M., Kennedy, Marchbanks, *McAllister*, B. *McAlpin*, *McLeod*, *McMillion* of B., *McMillion* of J., Morgan, Musgrove, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of Land., Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of Law., Winston, Woodward, Wynn and Yancey.

Henry C. Jones having received a majority of votes, mr. Speaker declared him elected judge of the county court of Franklin county, for the ensuing six years.

The Senate then withdrew.

Mr. Winston offered the following resolutions, which were severally read and adopted.

1. *Resolved*, That this House deeply deplore the sudden death of General John H. Garrett, a member of this House from the county of Cherokee.

2. *Resolved*, That we sympathize with his family in the misfortune that has befallen them in this painful dispensation of Providence.

3. *Resolved*, That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning around the left arm for thirty days.

4. *Resolved*, That a committee be appointed on the part of the House, to act with such committee as may be appointed on the part of the Senate, to make the necessary funeral arrangements.

5. *Resolved*, That the members of this House will meet in the representative hall at nine o'clock a. m. on to morrow, for the purpose of forming a funeral procession.

6. *Resolved*, That the Speaker of the House transmit to the family of the deceased a copy of these resolutions.

7. *Resolved*, That the doorkeeper be authorized to furnish this House with the usual badge of mourning.

8. *Resolved*, That this House do now adjourn until Friday morning at 10 o'clock.

Whereupon messrs Winston, King, McAllister, Smith of H. Taylor, Troup and Young were appointed said committee.

And then the House adjourned.

FRIDAY, November 12, 1841.

The House met pursuant to adjournment.

A message from the Senate, by mr Clitherall :

mr Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives :

An act to amend the laws for assessing and collecting the taxes in the county of Butler, and for other purposes;

An act to change the time of appointing tobacco inspectors for the county of Lauderdale.

The Senate has also adopted the following resolution :

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall on Saturday the 20th instant, at the hour of 12 o'clock m., for the purpose of electing a warden and three inspectors for the penitentiary.

In which they ask the concurrence of the House of Representatives.

mr Crawford introduced a bill to prevent frauds at sheriffs' sale, and for other purposes; which was read, and ordered to a second reading.

mr Phillips introduced a bill to extend the jurisdiction of the justices of the peace, and to authorize a jury in certain cases therein named; which was read, and ordered to a second reading.

mr. Jones of Cov. introduced a bill to regulate the mode of taking official bonds of justices of the peace and constables in certain cases; which was read, and ordered to a second reading.

Mr Winston introduced a bill to repeal the law requiring the alternation of the judges of the circuit courts; which was read, and ordered to a second reading.

mr Ambrister introduced a bill to change the name of Alfred B. Palmore; which was read, and ordered to a second reading.

mr Clemens introduced a bill to repeal the fourth section of the seventh chapter of the criminal code; which was read, and ordered to a second reading.

mr Erwin introduced a bill to extend the time for collecting the county, school and road tax in the county of Mobile, for the year 1841, and for other purposes; which was read, and ordered to a second reading.

mr Wallace introduced a bill in relation to dower; which was read, and ordered to a second reading.

mr McLeod presented the petition of sundry citizens of Pike, Barbour and Macon counties, praying to establish a new county; which was read, and referred to the delegation of Pike, Barbour and Macon.

Mr Storrs introduced a bill to amend, revise and compile the school laws in this State; which was read, and ordered to a second reading.

mr Rice presented the petition of J. T. Bradford; which was read, and referred to the committee on accounts.

Mr Cain introduced a bill to change the mode of appointing apportioners within the county of Walker; which was read, and ordered to a second reading.

Mr Houston presented the report of the commissioners for the improvement of the Tombeckbee river; which was read, and referred to the committee on inland navigation.

Mr Speaker laid before the House a communication from the president of the branch bank at Huntsville; which was read, and referred to the committee on State printing.

Ordered that two hundred copies be printed.

Mr Speaker laid before the House a statement from the cashier of the branch bank at Huntsville; which was read, and referred to the joint committee on the State bank and branches.

Mr Speaker laid before the House the report of the commissioners appointed to examine the Mobile bank; which was read, and referred to the committee on State printing.

Ordered that two hundred copies be printed.

Mr Speaker also laid before the House the report of the commissioners appointed to examine the branch bank at Montgomery; which was read, and referred to the committee on State printing.

Ordered that one thousand copies be printed.

Mr Speaker also laid before the House the report of the commissioners appointed to examine the branch bank at Decatur, which was read, and referred to the committee on State printing.

Ordered that two hundred copies be printed.

Mr Speaker also laid before the House a report from the board of internal improvement of the Choctawhatchie river; which was read, and referred to the committee on internal improvement.

Mr Speaker also laid before the House a communication from Gerald B. Hall the acting member from the county of Baldwin, on the subject of the contested election from said county.

Mr B. McAlpin moved that said communication lie on the table which was carried.

Mr Hall asked leave to withdraw said communication which was granted.

The resolution from the Senate proposing to go into the election of a warden of the penitentiary being under consideration.

Mr Spruell moved to amend it with a solicitor of the 7th circuit which was adopted.

Ordered that the clerk acquaint the Senate therewith.

The House then proceeded to the order of the day.

Engrossed bills of the following titles to wit.

An act altering the mode of assessing and collecting the tax of Pike county:

An act authorizing the commissioners court of roads and revenue to establish ferries on the Alabama river in the county of Wilcox.

An act fixing the time of holding justices courts in the countis of Coosa and Autauga and for other purposes.

An act to change the time of holding the county courts of the county of Randolph.

An act to establish a ferry in Washington county.

An act to run and mark the line between the counties of Shelby and Jefferson, and

An act to ascertain and fix a suitable site for the permanent location of the courthouse in Covington county and for other purposes.

Were severally read the 3d time and passed.

Ordered that their titles remain as aforesaid,

Ordered that the same be sent to the Senate for their concurrence.

Bills from the Senate of the following titles to wit:

An act to appoint commissioners to superintend the sale of lots in the town of Warrenton in the county of Marshall and for other purposes, and

An act to regulate judicial proceedings in the county court of Mobile county, were severally read the third time and passed.

Ordered that their titles be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to prevent the shooting or killing of deer during certain seasons of the year in the county of Limestone, was read and the constitutional rule being suspended it was read the second time forthwith.

Mr McLemore offered the following amendment.

Sec. *And be it further enacted*, That no citizen of Limestone county shall kill deer out of the limits of said county, and that all rights and protection offered to the deer and coon family be guaranteed to the hard cider family.

Mr Houston moved that the house adjourn untill to-morrow morning at 10 o'clock which was carried.

SATURDAY, NOV. 13, 1841.

The House met pursuant to adjournment.

Mr Walker of B introduced a bill for the benefit of the Attorney General, which was read and ordered to a second reading.

Mr Hall the sitting member from the county of Baldwin presented a memorial on the subject of the contested election in said county.

Mr Smith of Laud. moved that it lie on the table which was carried, Yeas 51, Nays 34.

The yeas and nays being demanded.

Those who voted in the affirmative are, messrs. Speaker, Alexander of L. Allen, Arnbrister, Bishop, Burleson. Clemens, Cochran, Davis of L. Fletcher, Garland, Griffin of J. Griffin of M. Hammond, Haughton, Heflin, Henslee, Hunter, James, Jones of M. Justice, Kennedy, King, Marchbanks, B. McAlpin, McLeod, McMillion of J. Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H. Smith of J. Smith of Laud. Steele, Taylor, Troup, Valiant, Walker of B. Walker of L. Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are messrs. Alexander of Low. Barker, Bradley, Broughton, Cain, Chiles Davis, of B. Erwin, Ford, Gardner, Gresham, Griffin of S. Harriss, Jones of Con. Jefferson, Jemison, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moores, Norris, Norwood, Perkins, Rhodes, Scott, Smith of Tusc. Storrs, Stinson, Wallace, Ware and Young.

A message from the Senate by Mr Clitherall.

Mr Speaker; the following bills which originated in the House of Representatives, have passed the Senate.

An act to change the time of holding the winter term of the county court of Butler county.

An act to establish a warehouse for the inspection of tobacco, in Decatur in this State.

An act to authorize Allen Wooley to erect a gate across a certain public road therein named.

An act to incorporate the town of Warrenton in the county of Marsall.

The Senate has also passed bills which originated in the Senate of the following titles towit.

An act to confirm the will of Thomas Murphy deceased.

An act to authorize the comptroller of public accounts to draw his warrant on the State treasurer in favour of Sion L. Perry for the balance of the salary due the late Horatio G. Perry Judge of the 2d judicial circuit.

An act to establish certain election Precincts therein named and for other purposes.

An act for the relief of Richard G. Earle.

An act to ascertain and fix permanently the line between the counties of Madison and Jackson.

An act to establish a road court in the county of Mobile.

Mr Musgrove, introduced a bill to reduce the number of company musters which was read and ordered to a second reading.

Mr McLemore presented a communication from himself, Mr Reece and Mr Phillips, which has reference to the report of the commissioners appointed to examine the branch bank at Montgomery.

Ordered that said communication be printed, and be attached to and become a part of said report.

Mr James introduced a joint resolution in regard to certain records, which was read and ordered to a 2d reading.

Mr Norris presented the memorial of Horatio Boxley which was read and referred to the committee on accounts.

Mr Norwood introduced a bill for the improvement of the navigation of the Alabama river which was read and ordered to a second reading.

Mr Smith of J. introduced a bill to provide for the payment of grand and petit jurors in the county of Jackson which was read and ordered to a second reading.

Mr King presented the report of the commissioners of Paint Rock river which was read and ordered to lie on the table.

Mr Walker of L. presented documents appertaining to the land office at Courtland which was read and referred to the committee on accounts.

Mr Winston who voted in the majority to concur in the resolution of the Senate proposing to elect a warden and three inspectors of the penitentiary moved to reconsider that vote.

Mr Griffin of M. introduced a bill to require the county officers of Marshall county to receive certain claims therein named which was read and ordered to a second reading.

Mr Erwin introduced a bill to repeal an act therein named which was read and ordered to a second reading.

Mr Ware introduced a bill for the better regulation of taxing lands in this State and for other purposes which was read and ordered to a second reading.

Mr Cochran made the following report.

The committee on accounts to which was referred the accounts of Dixon Hestle, R. H. Dactus, S. McGregor, J. M. McClanahan, J. S. Cohen, S. C. Locke, Wm. Mills, J. H. Branch James Bell, Denton Valliant, Sampson Thompson, W. S. Taylor, John Appleby, A. W. McLendon, Jonathan Bal-



lard, Enoch Fagan. John Evans, Henry Kellam, has had the same under consideration and instructed me to report that none of the accounts have been in the hands of the comptroller of public accounts and by the act of our Legislature no account shall be paid until it has been submitted to the comptroller and he has made his remarks thereon: and ask to be discharged from the further consideration of the Subject.

Mr Clemens moved that the report lie on the table which was carried.

Mr Blanton McAlpin made the following report:

The committee on privileges and elections, have had the case of **R. S. Moore vs. G. B. Hall**, of Baldwin county, under consideration, and have instructed me to report, that on an examination of the evidence submitted in this case, which is in effect as follows. On the 6th day of August last, Richard S. Moore notified the sheriff of Baldwin county that he would contest the seat of G. B. Hall, of said county, in the next General Assembly of the State of Alabama, and demanded of him a true copy of all the votes polled in said county on the 1st Monday of the same month—and on the 9th day of August, the sheriff of said county rendered to the said Richard S. Moore, a certified list of all the voters at the different precincts in said county of Baldwin.

And on the 6th day of August, Richard S. Moore notified G. B. Hall, that he claimed his seat as a representative from the county of Baldwin, upon the ground of the inspectors at Stockton, one of the precincts in said county, having rejected the vote of Thomas J. Edmonson, and notifies G. B. Hall that he also claims the seat upon the ground that G. B. Hall did receive many illegal votes.

It is perhaps proper to state, that the committee, at the commencement of this investigation, notified the contending parties of their sitting, and permitted the parties to appear before them; and it is due to the sitting member to state that he informed the committee that he was not ready for trial, that there was evidence which he had not been able to procure; and he also contended that the contesting party had not taken the proper steps in the commencement of his suit, as the law required; and seemed to rest his claims upon the ground of a want of proper notice from the contesting party. Although there appears no legal service of the demand of the contesting party whose seat he contests, yet from all the circumstances and facts presented, your committee come to the conclusion that the party had been legally notified. G. B. Hall asked time of the committee to procure absent testimony; but your committee was of opinion no such powers had been given them, they refused to do so—for the question was distinctly put by the chairman to Mr. Hall, what particular evidence he desired?—and as well as is now recollected, his reply was that he had not time to collect such testimony as was of importance in his case,—

Your committee, or at least a majority of them, are of opinion that if the proper steps had been taken, the evidence could have been procured; and, as above stated, did not believe they possessed the power to grant the time; but proceeded to examine the evidence before them. Both of the contending parties informed the committee that all the testimony which had been taken in the case was before them. Your committee find that on the 21st day of August, the coroner of Baldwin county served a notice on the sheriff of said county, written by R. S. Moore, requiring the sheriff to keep safely the tickets polled at the election above alluded to; but no tickets have appeared in evidence before us. From the evidence, the committee come to the conclusion, that the

first allegation of R. S. Moore is fully sustained, that the vote of Thos. J. Edmonson was improperly destroyed at the precinct at Stockton, in Baldwin county, by the managers of said election. His second allegation was that Hall had received many illegal votes at the late election in Baldwin county. Your committee find in the evidence, the names of many persons whose right to vote was contested. We find the name of mr. William G. Vastbinder, as one of those contested; but from the evidence, the committee were unanimous, or at least in a majority, that his right to vote in Baldwin county was indisputable. Your committee found the name of Richard Fryer also contested, but the evidence was equally clear as to his right to vote in Baldwin county.—Your committee perceive the name of William Brown has been substituted through mistake for William Boon, at Hall's precinct, in Baldwin county.—Your committee conceive that the object of the party examining the testimony before the justices of the peace in Baldwin county, was in effect to establish the fact that William Brown was not a voter in Baldwin county, from the evidence, they are satisfied that the name was spelt wrong by the clerk of said election; for it is proven that William Brown was not at the precinct on the day of election; but William Boon was, and did vote, and the name of William Brown does appear on the list, and William Boon's name does not appear.

The names of William Hinson, William Sizemore and William S. Powell, were severally contested, and from the evidence it appears they are descendants to the second generation from Indian mothers; and, therefore, your committee come to the conclusion that under the Constitution of Alabama, they were not legal voters; they voted also at Hall's precinct in Baldwin county.

From the evidence, the name of James Suiter, at Montgomery Hill precinct in Baldwin county, ought to have been written, instead of James Sutton, numbered thirty-three on said list of voters.

The name of James Paston was contested at Hall's precinct as a voter; the committee decide that he is a legal voter.

James Richardson, numbered twelve on the list of voters at Hall's precinct, is contested as a voter, the committee decide that he was a legal voter.

The right of Thomas B. Tunstall, jr., to vote, was contested upon the grounds of his not being of age; proof is ample that he was over 21 years of age on the day of the last general election.

The names of Charles Passos and Scharbon Melone, were contested, but no proof found to sustain the charge.

The names, also, of Francis Renora and William Robas, were severally contested; but no proofs were adduced to sustain the charge of illegality.

The name of Thomas P. Mills, was contested as a voter at Hall's precinct in Baldwin county, for want of residence; the proof is deemed good by the committee, and they decide that he was not entitled to vote at the last election for a representative from Baldwin county.

Samuel White, also appears to be contested—against whom no proof appeared—the committee determined he is a good voter.

Your committee find the names of Francis Renard, Levi Dolbear, William Yancy, Joseph Olive, Jacob Shoultz, James Collins, John Turner, William Goblin, Joacim Salvadore, Thomas Cristy, Peter Matison, John Lopez, L. A. Monascho, Francis Ardoa, Peter Newton, Victoris Lucovie, P. P. Palonay and Jesse Edwards, all whose names appear to have voted at the fish river precinct in Baldwin county, the right of whom to vote has been contested generally

upon the ground of their being foreigners ; your committee examined closely and weighed well the evidence, and have come to the conclusion that they are all legal voters in Baldwin county.

Elisha Tarren swears, that Richard S. Moore received but two votes at Hall's precinct in Baldwin county, at the last election for a representative to the legislature of Alabama, and that he was one of the two, and William Sizemore was the other ; from this fact, your committee is enabled to ascertain the following . that at Hall's precinct there were cast at the last August election, the votes of William Hinson, William Sizemore, William S. Powell and Thomas P. Mills, who were not entitled to vote in Baldwin county ; William Sizemore voting for Richard S. Moore, and William Hinson, William S. Powell and Thomas P. Mills, voting for G. B. Hall, the sitting member.

From the foregoing facts the labors of your committee have resulted in this:

From the certificate of the sheriff of Baldwin county, G. B. Hall received one hundred and forty-eight votes, - - - - - 148

From which, deduct the following votes at Hall's precinct :

William Hinson, William S. Powell, Thomas P. Mills, - - - 3

One hundred and forty-five votes, - - - 145

Richard S. Moore, by the sheriff's certificate, received in Baldwin county, at the last August election for representative to the legislature of Alabama, one hundred and forty-eight votes, - - - 148

Deduct the vote of William Sizemore, at Hall's precinct, - - - 1

One hundred and forty-seven votes, - - - 147

Add the vote Thomas J. Edmonson polled at Stockton, - - - 1

One hundred and forty-eight votes, - - - 148

Deduct the vote of Hall, - - - 145

Leaves a majority for Moore, of three votes, - - - 3

Your committee deems it proper to state, that at all their meetings and during the examination of all the testimony, the sitting member has been present, and was permitted to read and examine any portion of the same ; and your committee heard his objections. They have bestowed all the attention that the importance of the subject demanded—and the undersigned have, from the evidence before them, come to the conclusion that G. B. Hall is not entitled to his seat as a member from Baldwin county ; but that Richard S. Moore did receive a majority of all the legal votes of said county, at the last August election for a representative to the legislature of the present session, from Baldwin county, and is entitled to his seat. And they offer the following resolutions and recommend their passage.

BLANTON McALPIN, *Chairman.*

JEPHTHA SPRUELL,

H. D. SMITH, (of Lauderdale.)

WILLIAM S. MORGAN.

BENJAMIN REYNOLDS.

S. S. HOUSTON:

ISAAC H. ERWIN:

LEROY A. KIDD.

WILLIAM O. WINSTON.

GEORGE T. JONES.

*Resolved,* That G. B. Hall of Baldwin county, is not entitled to the seat he now occupies as a representative from said county.

*Resolved*, That Richard S. Moore of Baldwin county, is the duly elected member of said county, and is entitled to his seat.

Mr. Erwin moved that the report lie on the table, which was carried.

Mr. Reynolds called up the report.

Mr. Jemison moved that it lie on the table, and that 100 copies be printed.

The question being divided, the vote was first taken to lie on the table, and lost. The vote was taken to print, and lost.

Mr. Rice moved that it lie on the table, which was carried.

Mr. Rice called up the memorial of G. B. Hall.

Mr. Rice moved that it be indefinitely postponed, which was carried.

Yeas 53. Nays 34.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker, Alexander of Land., Allen, Armbrister, Bishop, Burleson, Clemens, Cochran, Davis of L., Fletcher, Gardner, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Kennedy, King, Marchbanks, McAlister, B. McAlpin, McLeod, McMillion of J., Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Smith of Land., Strode, Taylor, Troup, Valliant, Walker of B., Walker of Law., Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs. Alexander of Low., Barker, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Davenport, Davis of B., Erwin, Ford, Gresham, Griffin of S., Harriss, Jones of Con., Jefferson, Jemison, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Storrs, Walker, Ware and Young.

Mr. Rice then called up the report.

Mr. Reynolds moved that the further consideration of the report be postponed until Monday next, at 11 o'clock, and made the special order of the day, and that parties have leave to appear by counsel, which was carried.

A message from the Senate by Mr. Clitherall :

*Mr. Speaker :* The Senate instructs me to lay before your honorable body, the accompanying tabular statement of the affairs of the branch of the bank of the State of Alabama at Mobile.

A message was received from the Governor, by J. D. Bagby, his private secretary, which is as follows, to-wit :

EXECUTIVE DEPARTMENT, }  
Tuskaloosa, Nov. 13, 1841. }

*To the House of Representatives :*

I have been requested by the Governor of Virginia, to lay before the General Assembly of Alabama, the accompanying report and documents in relation to the pending controversy between that State and the State of New-York.

[Signed,] A. P. BAGBY.

Hon. DAVID MOORE, *Speaker of the House of Representatives.*

And then the House adjourned until Monday morning at 10 o'clock.

MONDAY, NOV. 15, 1841.

The House met pursuant to adjournment.

On motion of Mr. Bradley,

Ordered, that Mr. Barron have leave of absence until Wednesday next.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the branch bank at Mobile, which was read.

Mr. S. McAlpin moved that it be forthwith sent to the Senate, which was lost.

It was then referred to the committee on State printing, and 200 copies ordered to be printed.

Mr. Speaker also laid before the House, the communication from the branch bank at Decatur, which was read and referred to the committee on State printing, and two hundred copies ordered to be printed.

Mr. Speaker also laid before the House, sundry documents in relation to the branch bank at Decatur; they were severally read and referred to the joint committee on the State bank and branches.

Mr. Speaker also laid before the House, the comptroller's report relative to the life insurance and trust company.

Ordered, that said report lie on the table.

Mr. Hall introduced a bill to abolish and establish certain election precincts in Baldwin county, which was read and ordered to a second reading.

Mr. Hunter introduced a bill to compensate William S. Taylor for a horse pressed into the United States' service, by order of General William Erwin, in 1836, which was read and ordered to a second reading.

Mr. Hunter introduced a bill to establish an agency of the branch bank of the State of Alabama at Decatur, at Irwinton, Barbour county, which was read and ordered to a second reading.

Mr. Crawford introduced a bill to regulate the service of process by the different sheriff's of the State and for other purposes, which was read and ordered to a second reading.

A message from the Senate by Mr. Philpot :

*Mr. Speaker :* The Senate have adopted the following resolution :

*Resolved,* That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House on Thursday, at 12 o'clock, for the purpose of electing a judge of the county court for the county of Pickens.

They have also adopted a joint resolution in relation to a land district in the Cherokee part of Alabama, in which they ask the concurrence of your honorable body.

A message was received from the Governor by James D. Bagby, his private secretary.

EXECUTIVE DEPARTMENT, }  
Tuskaloosa, Nov. 15, 1841. }

Sir—I have the honor of laying before the House of Representatives, the accompanying communication from the Hon. Clement Clay, resigning his seat in the Senate of the United States.

A. P. BAGBY.

Hon. DAVID MOORE, *Speaker of the House.*

A message from the Senate, by Mr. Clitherall :

*Mr. Speaker :* The Senate has adopted the following resolution :

*Resolved,* That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House, on Friday the 19th instant, at 12 o'clock, M., for the purpose of electing a Senator to the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay.

The House resumed the consideration of the resolution reported by the committee on privileges and elections, in the case of the contested election from the county of Baldwin.

Mr. Griffin of S., moved to postpone the further consideration for one hour, which was lost.

Mr. Perkins moved that the notice and other documents given to the sitting member by the contesting member, that his seat would be contested, be read first.

Upon a question of order, the Speaker decided that the House might order any part of the testimony or documents to be read first.

From which decision Mr. Rice appealed, and the decision of Mr. Speaker was sustained.

Mr. Speaker decided that he was bound to presume that the Senate was in session, whenever the doorkeeper announced a message from the Senate to the House.

From which decision Mr. Hogan appealed, and the decision of Mr. Speaker was sustained by the House.

The House again resumed the consideration of the resolution reported by the committee on privileges and elections, in the case of the contested election from Baldwin county.

The question was on the adoption of the resolution, and carried—Yeas 61, nays 26.

Those who voted in the affirmative are, messrs. Speaker, Alexander of Laud., Allen, Armbrister, Barker, Bishop, Burleson, Chiles, Clemens, Cochran, Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Griffin of J., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Kennedy, King, Marchbanks, McAlister, B. McAlpin, R. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Smith of L., Smith of T., Steele, Storrs, Strode, Taylor, Troup, Valliant, Walker of B., Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs. Alexander of Low., Bradley, Broughton, Cain, Covington, Crenshaw, Crawford, Davenport, Davis of B., Gresham, Griffin of S., Harris, Jones of Con., Jefferson, Justice, Mason, McLemore, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Stinson and Wallace.

So the resolution was adopted.

On motion of Mr. Clemens,

*Resolved*, That G. B. Hall shall be entitled to mileage for coming to and returning from the capitol, as well as the usual per diem allowance, during the time he has served this session as a member from Baldwin county.

And then the House adjourned until to-morrow morning 10 o'clock.

TUESDAY, Nov. 16, 1841.

The House met pursuant to adjournment.

Richard S. Moore, the member elect from the county of Baldwin, appeared in the hall of the House of Representatives, was qualified and took his seat.

Mr. James introduced a bill to authorize the sale of the real estate of infants, in certain cases, which was read and ordered to a second reading.

Mr. Armbrister introduced a bill to provide for ascertaining the line between

the counties of Jackson and DeKalb, which was read and ordered to a second reading.

Mr. Smith of J. presented the memorial of Miginson Loring, a citizen of Jackson county, which was read and referred to the delegation of Jackson county.

Mr. Randolph introduced a bill requiring the bank officers to keep certain books, which was read and ordered to a second reading.

Mr. Wynn presented the account of James Odell, jailor of Limestone county, which was read and referred to the committee on accounts.

Mr. Alexander of L. presented the petition of the officers of the 13th brigade, 5th division of Alabama militia, which was read and referred to the military committee.

Mr. Jones of Madison, presented the petition of sundry citizens of Madison county, which was read and referred to the committee on the State bank and branches.

Mr. Scott introduced a bill to extend the time of holding the Spring terms of the circuit court for the county of Macon, which was read and ordered to a second reading.

Mr. Hogan introduced a bill to incorporate the medical society of the city of Mobile and for other purposes, which was read and ordered to a second reading.

Mr. Hogan introduced a bill for the regulation of judicial proceedings, which was read and ordered to a second reading.

Mr. R. McAlpin introduced a bill to consolidate the several acts relative to county treasurers, which was read and ordered to a second reading.

Mr. Erwin introduced a bill in relation to descents and for other purposes, which was read and ordered to a second reading.

Mr. Erwin introduced a bill to change the time of convening the General Assembly of the State of Alabama, which was read and ordered to a second reading.

Mr. Erwin introduced a bill to incorporate the Greensborough female academy, which was read and ordered to a second reading.

Mr. Heflin introduced a bill to establish an additional regiment in the county of Randolph, which was read and ordered to a second reading.

A message from the Senate by Mr. Philpott :

Mr. Speaker : The Senate have passed bills of the following titles, which originated in the Senate, to-wit :

An act to fix and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia in the city and county of Mobile.

An act to authorize Norborn E. Chandler of Sumter county, to sell goods, wares and merchandize, in said county, without license.

An act in relation to the 16th section in township 10 of range 5, in the county of Wilcox.

An act to exempt certain persons from road duty.

An act to change the time of convening the General Assembly.

An act to secure more speedily the collection of debts against incorporations.

An act to change the mode of assessing and collecting the taxes for the county of Jackson.

An act allowing compensation to certain persons.



And joint resolutions in relation to the salaries of the warden and deputy warden of the penitentiary—in which the concurrence of the House of Representatives is asked.

Also, the following, which originated in the House of Representatives, to-wit.

An act to provide for the election of a tax collector for the county of Marshall.

An act to authorize the circuit court of Butler county to remain in session two weeks at its March term, 1842.

And, a joint memorial and resolution to the Congress of the United States, in relation to the lands lying in Jackson county, south of the Tennessee river.

Mr. Griffin of S. presented the account of John M. McClanahan, which was read and referred to the committee on accounts.

Mr. Rushing introduced a bill for bringing suits against executors and administrators, and for other purposes, which was read and ordered to a second reading.

Mr. Covington presented the petition of sundry citizens of Sumter county, which was read and referred to the committee on the State bank and branches.

Mr. Gresham introduced a bill to retain liens created by the levy of attachments in certain cases therein mentioned, which was read and ordered to a second reading.

Mr. Rice introduced a bill to prescribe a certain duty to the President and directors of the Bank of the State of Alabama and its branches, which was read and ordered to a second reading.

Mr. Rice introduced a joint resolution declaratory of the law, which was read.

Mr. Cochran moved that it lie on the table, which was carried.

Mr. Cain introduced a bill to abolish and establish certain precincts in Walker county, which was read and ordered to a second reading.

Mr. Walker of L. presented the account of Robert Fenner and Thomas B. Jones, which was read and referred to the committee on accounts.

Mr. Ware introduced a bill to establish a bank at \_\_\_\_\_ and for other purposes, which was read.

Mr. Young moved that it lie on the table and 100 copies be printed, which was carried.

Mr. Walker, from the judiciary committee, to which was referred the bill to authorize certain persons therein named to sell and dispose of real estate, reported that it is inexpedient to pass the bill, that the law now in force is ample and sufficient on the same subject contained in the bill.

Ordered, that the report lie on the table.

Mr. Winston, from the judiciary committee, to which was referred the bill to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved 9th January, 1841, reported the same without amendment.

It was referred to the delegation of DeKalb, Marshall and Washington counties.

Mr. Walker, from the judiciary committee, to which was referred the bill to secure to the bank of the State of Alabama and its branches, the payment of all moneys collected for them by the sheriffs of the different counties, reported that it is inexpedient to pass the bill.

Ordered, that said report lie on the table.

The same committee, to which was referred the bill to regulate trials before justices of the peace in the county of Franklin, reported the bill without any decisive action on the part of the committee, and asked to be discharged from the further consideration of the subject.

Ordered, that said report and bill lie on the table.

The same committee, to which was referred the bill pointing out the mode of foreclosing mortgages on personal property, reported that it is inexpedient.

Ordered, that said report lie on the table.

The same committee, to which was referred the bill to amend the laws on the subject of attachments, reported the same as inexpedient.

Ordered, that said report lie on the table.

The same committee, to which was referred the bill to regulate the issuing of subpoenas, reported the same as inexpedient.

Ordered, that said report lie on the table.

The same committee, to which was referred the bill to compel justices of the peace to hold their courts not more than once a month, reported the same as inexpedient.

Ordered, that said report lie on the table.

The same committee, to which was referred the resolution to enquire into the expediency of amending the constitution, so as to legalize biennial sessions of the General Assembly, reported that owing to the financial condition of our banks and the diversified interests of the State, it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Ordered, that said report lie on the table.

The same committee to which was referred the bill to require the corporations of this State to sell and dispose of real and personal estate, reported the same as inexpedient.

Ordered, that said report lie on the table.

The same committee, to which was referred the bill from the Senate concerning suits against executors, administrators, &c., reported the same without amendment; the bill was ordered to a third reading.

The same committee to which was referred the bill authorizing the purchase and distribution of certain books, reported the same without amendment; the bill was ordered to be engrossed for a 3d reading.

A message from the Senate by Mr Clicherall:

Mr Speaker: The Senate has adopted the following resolution.

*Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Saturday next at half past 11 o'clock A.M. for the purpose of electing a Solicitor for the 7th judicial circuit; in which the concurrence of the House is asked.

Mr Walker from the judiciary committee to which was referred the bill for the relief of Harriet Hatfield reported the same as amended by adding thereto two additional sections which was concurred in.

Mr Jemison moved to amend it by adding the words, "and Sally Turner Switzer wife of Leonard Switzer, which was adopted.

Mr Gardner moved to amend the bill further by adding "Mrs Holman wife of Henry Holman which was adopted.

Mr Walker who voted with the majority on the adoption of Mr Jemison's amendment, moved to reconsider that vote, which was carried.

Mr Hunter then moved to recommit the bill with instructions to report a general bill which was lost.

The question then recurred on Mr Jemison's amendment which was lost.

The bill was then ordered to be engrossed for a third reading.

The same committee to which was referred the bill for the benefit of Henry Hottinger, reported an amendment by adding a proviso thereto.

Mr Mitchell made the following report,

The committee on enrolled bills have examined and find correctly enrolled:

An act to amend the laws for assessing and collecting the taxes in the county of Butler and for other purposes.

An act to change the time of holding the winter term of the county court of Butler county.

An act entitled an act to change the time of appointing tobacco inspectors for the county of Lauderdale.

An act entitled an act to establish a warehouse for the inspection of tobacco in Decatur in this State.

An act to authorize Allen Wooley to erect a gate across a certain public road therein named.

And an act to incorporate the town of Warrenton in the county of Marshall.

Ordered that the House concur in the resolution from the Senate, proposing to elect a judge of the county court of Pickens county.

Ordered that the clerk acquaint the senate therewith.

The joint resolution from the Senate in relation to a land district in the Cherokee part of Alabama was read and referred to the delegation of the counties of Marshall, Jackson, Blount, De Kalb, Cherokee, and Benton.

Mr Clemens from the committee on the State bank and branches to which was referred a resolution instructing them to make enquiry touching certain frauds alleged to have been committed upon the several banks of the State reported the following preamble and resolutions.

Whereas, it is ascertained, that numerous frauds have been perpetrated upon the several banks of this State and great and serious neglect of duty is charged upon those who had the direction of these institutions, now therefore for the purpose of investigating fully these matters; as ascertaining what remedy now exists and to guard against such practices for the future.

*Be it resolved*, That a committee of five be appointed by this House, one of which shall visit the branch bank at Decatur, one the branch bank at Huntsville, one the branch bank at Montgomery, one the branch bank at Mobile, and one the State bank at Tuscaloosa, whose duty it shall be to investigate fully the several matters specified in the preamble to these resolutions, and report to this body as early as possible.

2. *Be it further resolved*, That said committee or any one of them shall have full power and authority to send for persons and papers, and to issue any process necessary to bring before them the persons, which process shall be executed by the sheriff or constable of any county in this State, to whom it may be directed and the fees of such officer shall be paid from the treasury of the State.

3. *Be it further resolved*, That if any officer shall fail or refuse to execute any process directed to him as aforesaid, he shall be fined in a sum not less than five hundred dollars and removed from office.

4. *Be it further resolved*, That the Senate be requested to appoint an equal number from that body, to act with the committee appointed by this House.

5. *Be it further resolved*, That if in the opinion of the committee the proposed end can be obtained without visiting the several Banks as provided in the 1st resolution, it shall not be imperative upon them to do so but they may hold their meetings and pursue their enquiries in the city of Tuscaloosa and the officers and directors of the several banks are hereby required to furnish them with every information called for, and every process issued in Tuscaloosa and signed by the chairman of the committee, shall be executed by an officer to whom it is directed under the penalties hereinbefore prescribed for neglect or failure.

6. *Be it further resolved*, That if in the opinion of the committee it should be necessary to send a sub-committee to any one of the banks they are hereby invested with full power and authority to appoint such sub-committee, and when so appointed, said sub-committee shall have all the powers hereinbefore enumerated,

Which were severally adopted by the House,

Whereupon messrs Clemens, Jemison, Walker of L. Young, and McAlpin were appointed said committee on the part of this House.

The House proceeded to the consideration of the communication of the Hon. C. C. Clay tendering his resignation as a Senator in the Congress of the United States.

Mr Jones of Mad. moved that said communication lie on the table, and that 100 copies be printed.

The question being divided, the vote was first taken to lie on the table and carried.

Mr Storrs moved the following amendment,

That 100 copies of the communication of the Hon. C. C. Clay tendering his resignation as U. States Senator from the State of Alabama be Deguerrotyped with a full length picture of its illustrious author, and that one plate be inserted in the Hall of the Senate Chamber, and in the Hall of the House of Representatives, and one be forwarded to each of the whig Senators from the southern States, that it may be handed down to all coming time as a monument of the great intelligence, sound love of truth, and unyielding patriotism of a statesman, which was lost, Yeas 1, Nays 94.

The yeas and nays being demanded,

Those who voted in the affirmative are Kidd.

Those who voted in the negative are, messrs. Speaker, Alexander of Laud: Alexander of Low. Allen, Armbrister, Barker, Bishop, Bradley, Broughton, Burleson, Cain, Chiles, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B. Davis of L. Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J. Griffin of M. Hammond, Harriss, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James. Jones of Con. Jones of Cov. Jones M. Jefferson, Jemison, Justice, Kennedy. King, Marchbanks, Mason, McAlister, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McLeod, McMillion of B. McMillion of J. Mitchell, Moore, Moores. Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of J. Smith of H, Smith of L. Smith of T. Steele, Storrs, Strode, Stinson, Taylor. Troup, Valiant, Walker of B. Walder of Law. Wallace, Ware, Winston. Woodward, Wynn, Yancey, and Young.

Mr Hunter offered the following resolution which was lost,

*Resolved*, That the communication, of the Hon. C. C. Clay resigning his

seat in the United States Senate, be placed on the journal of the House, Yeas 16, Nays 75.

Those who voted in the affirmative are messrs. Alexander of Low. Bradley, Broughton, Chiles, Erwin, Ford, Gardner, Griffin of S. Hammond, Hunter, Kennedy, McAllister, R. C. McAlpin, Stinson, Valiant and Walker of Law.

Those who voted in the negative are messrs Speaker, Allen, Armbrister, Barker Bishop, Burleson, Cain, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport Davis of B, Davis of L. Fletcher, Garland, Gresham, Griffin of J. Griffin of M. Harriss, Haughton, Heflin, Henslee, Hogan, Houston, James, Jones of Cov. Jones of M. Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McLemore, McLeod, McMillion of B. McMillion of J. Mitchell, Moore, Moores, Morgan, Musgrove, Norman, Norriss, Norwood, Perkins, Phillips, Randolph, Reynolds, Rice, Rodgers, Rhodes, Rushing, Scott, Smith of H. Smith of J. Smith of L. Smith of T. Steele, Storrs, Strode, Taylor, Troup, Walker of B. Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.

The question then recurred on printing one thousand copied, and carried. Yeas 50, nays 44.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Speaker, Allen, Armbrister, Bishop, Burleson, Clemens, Davis of L. Fletcher, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Henslee, Hogan, Houston, James, Jones of Cov. Jones of m. King, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B. McMillion of J. Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H. Smith of J. Smith of L. Steele, Strode, Taylor, Troup, Walker of B. Walker of L. Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs Alexander of Low. Barker, Bradley, Broughton, Cain, Chiles, Cochran, Covington, Crenshaw, Davenport, Davis of B. Erwin, Ford, Gardner, Gresham, Griffin of S. Harriss, Hunter, Jones of Con. Jefferson, Jemison, Justice, Kennedy, Kidd, Mason, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moores, Mundy, Norriss, Norwood, Perkins, Rhodes, Scott, Smith of T. Storrs, Stinson, Valliant, Wallace, Ware and Young.

And then the House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Nov. 17, 1841.

The House met pursuant to adjournment.

Mr Moore introduced a bill to abolish a certain election precinct therein named; which was read, and ordered to a second reading.

Mr Henslee presented the petition of sundry citizens of Cherokee county; which was read, and referred to the committee on roads, bridges and ferries.

Mr Griffin of J. introduced a bill to authorise the tax collectors and clerks of the county courts of the several counties in this State to receive in payment of public dues certain claims therein named, approved Dec. 22, 1840; which was read, and ordered to a second reading.

Mr Fletcher presented the petition of sundry citizens of Marshall county; which was read, and referred to the delegation of Marshall, St. Clair, Jackson and Blount counties.

Mr Erwin presented the memorial of Augustine Durnoy, of the city and county of Mobile; which was read, and referred to the committee on propositions and grievances.

Mr Erwin introduced a bill to authorize the emancipation of certain slaves therein mentioned; which was read, and ordered to a second reading.

Mr Strode presented the petition of sundry citizens of Morgan county; which was read, and referred to the delegation of Morgan county.

Mr Ford introduced a bill to amend an act entitled an act to explain and amend the laws in relation to attachments, approved Dec. 23, 1837; which was read, and ordered to a second reading.

Mr Rice introduced a bill to secure a home to unfortunate families; which was read, and ordered to a second reading.

Mr Speaker laid before the House the record for divorce in the case of Araminta D. Stone against Charles Stone; which was read, and referred to the committee on divorce and alimony.

The House took up for consideration the bill for the relief of J. Henry Hottinger.

The question was, to adopt the proviso, reported by the committee, and carried.

The question was, shall this bill be engrossed and read a third time? and lost. Yeas 37, noes 52.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Low. Barker, Broughton, Cain, Covington, Crawford, Ford, Gresham, Griffin of S. Harriss, Hogan, Houston, Hunter, James, Jones of Con. Jemison, Justice, Kennedy, Kidd, Mason, R. McAlpin, S. McAlpin, Mitchell, Moores, Munday, Norwood, Perkins, Phillips, Smith of T. Steele, Storrs, Stinson, Walker of B. Walker of Law. Wallace and Young.

Those who voted in the negative are, messrs Alexander of Laud. Allen, Armbrister, Bishop, Bradley, Burleson, Chiles, Clemens, Cochran, Crenshaw, Davenport, Davis of B. Davis of L. Erwin, Fletcher, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Henry, Henslee, Jones of Cov. Jefferson, King, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B. McMillion of J. Moore, Morgan, Musgrove, Norman, Randolph, Reynolds, Rice, Rhodes, Rodgers, Rushing, Smith of J. Smith of L. Spruill, Strode, Taylor, Troup, Valliant, Winston, Woodward, Wynn and Yancey.

A message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act to alter the 1st and 10th judicial circuits, and for other purposes;

An act in relation to prairie roads in the counties of Montgomery and Lowndes;

An act to regulate the salaries of the solicitors of the 1st and 10th judicial circuits;

An act to ascertain and fix permanently the line between the counties of Jackson and De Kalb;

An act dispensing with protest and notice in certain cases; and

Joint resolutions in relation to the reports of the decisions of the supreme court of the State of Alabama; in relation to the exchange of Porter's reports for Aikin's digest of the laws of this State; and concerning purchasers of sixteenth sections.

In which the concurrence of the house is asked.

They have also passed a bill, which originated in the House of Representa-

lives, authorizing the commissioners' court of roads and revenue to establish ferries on the Alabama river in the county of Wilcox.

Mr Walker of B. from the judiciary committee, to which was referred the bill for the relief of tales jurors for the county of St. Clair, reported the same without amendment.

The bill was ordered to be engrossed for a third reading.

Mr Jemison made the following report :

The committee on the State bank and branches, to which was referred a bill to be entitled an act to prevent oppressions in suits by banks, have had the same under consideration, and instructed me to report—

That the bill proposes a change in the collection of debts due the banks, which, in the opinion of your committee, will be unsafe and ruinous to these institutions; and in many instances would result in inconvenience to defendants, as it is not unfrequently the case that debts are paid, compromised or arranged after the commencement of suit, and before judgment; in all of which cases, it is necessary that the attorney have access to the books of the bank, and be accessible to its officers.

It is a principle, which is believed as true in finance as in philosophy, that where an object may be accomplished by a single agent, it is bad policy to employ more. In the proposed change, it would become necessary that each bank would necessarily have to employ the services of an attorney in each judicial circuit, and frequently in each county in the State.

The employment of such a number of agents, with whose competency are character the officers of your bank would in most instances have no personal knowledge, in connection with the well known fact, that amongst applicants for place or office, the most importunate and most highly recommended, are very frequently those who are least qualified and least trust worthy.

The bill includes within its provisions the private stock banks of the State, whose charters have vested rights in the stockholders with which no future Legislature can interfere.

The passage of the bill then only as to the State banks, would place them in the collection of their debts under disabilities not imposed upon their natural competitors and opponents in business, the private stock banks. Your committee have therefore directed me to report against its passage.

Ordered that said report lie on the table.

Mr Walker of B. from the judiciary committee to which was referred so much of the governor's message as relates to the sale of the reports of the decisions of the supreme court, reported joint resolutions for the sale of the decisions of the supreme court of Alabama; which was read, and ordered to a second reading.

The same committee, to whom was referred a bill to be entitled an act to alter the manner of compensating executors and administrators in certain cases, reported the same with amendments.

Ordered that the House concur in said amendments.

The bill, as amended, was ordered to be engrossed for a third reading.

The same committee to which was referred a bill to amend an act entitled an act the more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, approved Feb. 2, 1839, reported the same without amendment.

The bill was then ordered to be engrossed for a third reading.



The same committee, to whom was referred a bill to be entitled an act to amend the laws in regard to limitations of actions, reported that it is inexpedient to pass the bill.

Ordered that said report lie on the table.

Mr Hogan, from the committee on the State bank and branches, to whom was referred the bill to amend an act to extend the time of indebtedness to the bank of the State of Alabama and its branches, and legalizing the suspension of specie payments, and for other purposes, approved 30th June, 1837, reported the following amendment:

"Strike out all of the caption, as it has no connexion whatever with the body of the bill, and insert the following in lieu thereof, that is to say: 'A bill to be entitled an act to amend the charter of the Planters' and merchants' bank of mobile.'"

Which was concurred in.

The bill was ordered to be engrossed for a third reading.

The same committee, to whom was referred that part of the governor's message that relates to the mode of electing bank directors, reported that it is inexpedient to adopt the same; and asked to be discharged from the further consideration thereof.

Mr Hogan moved that the report lie on the table; which was lost.

Mr Walker of B. who voted in the majority, moved to re-consider that vote; which was lost.

Mr Houston moved to postpone the further consideration of the report for two weeks; which was lost.

Mr Walker of B. moved to re-commit the report.

A message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has adopted the following resolution:

*Resolved*, That a committee be appointed by the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the governor elect, to ascertain what time will be agreeable to him to be inaugurated.

In accordance with this resolution, messrs McClanahan, McConnell and Hunter were appointed this committee.

Upon a question of order,

Mr Speaker decided, that according to the rules of the House, that when the hour of 12 o'clock, m. shall arrive, that the House do forthwith proceed to the orders of the day, unless that rule be suspended.

From which decision Mr Clemens appealed, and the chair was sustained.

The House then took into consideration the resolution from the Senate, to go into the election of a Senator to the Congress of the United States.

Mr Clemens moved to postpone the further consideration of the resolution until Tuesday next; which was carried.

The House then proceeded to the consideration of the orders of the day.

The bill from the Senate to prevent the shooting or killing of deer in the county of Limestone, during certain seasons of the year.

The question was on Mr McLemore's amendment to said bill; which was lost. Yeas 34, nays 50.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Bradley, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of B. Fletcher, Ford, Gresham, Grit-

fin of J. Griffin of S. Haughton, Henry Jones of Con. Jones of Cov. Jefferson, Kennedy, Kidd, Mason, McAllister, McLemore, McLeod, Mitchell, Moores, Norriss, Rice, Scott, Smith of J. Smith of T. Storrs, Stinson, Troup and Wallace;

Those who voted in the negative are, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Broughton, Burleson, Cain, Cochran, Covington, Davis of L. Erwin, Gardner, Garland, Griffin of m. Hammond, Harriss, Heflin, Henslee, Hogan, Hunter, James, Justice, King, marchbanks, B. mcAlpin, R. C. mcAlpin, mcMillion of J. Moore, mundy, Musgrove, Norwood, Phillips, Randolph, Rhodes, Rodgers, Smith of L. Strobe, Taylor, Valliant, Walker of B. Walker of L. Ware, Winston, Woodward and Wynn.

Mr Wallace moved the following amendment:

*"Provided, that if any person or persons shall violate the provisions of this act, by killing deer, coons, or hard cider family, within the time prescribed, they shall be freed from the penalties therein contained, if they shall prove that said deer, coons, or hard cider family, was not marked."*

Which was rejected.

The question was to read the bill the third time, and determined in the negative.

The House resumed the consideration of Mr. Jamison's resolutions on the subject of the State bank and branches.

Mr. Jamison moved that the further consideration of the resolutions be postponed until Monday next, and made the special order of the day; which was carried.

Bills from the Senate of the following titles:

An act to fix and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia in the city and county of Mobile;

An act to authorize Norman E. Chandler, of Sumter county, to sell goods, wares and merchandize in said county, without license;

An act in relation to the sixteenth section, in township ten, range five, in the county of Wilcox;

An act to exempt certain persons from road duty;

An act to change the time of convening the General Assembly;

An act to secure more speedily the collection of debts against incorporations;

An act to change the mode of assessing and collecting the taxes for the county of Jackson; and

An act allowing compensation to certain persons;

Were severally read, and ordered to a second reading.

On motion of Mr. Houston—

Ordered that Mr. Moore be added to the committees on accounts and military affairs.

On motion of Mr. Clemens—

*Resolved*, That the Speaker of this House shall appoint a select committee of five, to whom shall be referred the penitentiary code, with instructions to inquire what alterations or amendments are required; and report to this House as early as practicable by bill or otherwise.

Whereupon messrs Clemens, Crenshaw, Cochran, King and Mitchell were appointed said committee.

Joint resolutions from the Senate in relation to the salary of the warden and deputy warden of the penitentiary, was read, and ordered to a second reading.

Mr Ware, who voted in the majority on ordering the resolutions to a second reading, moved to re-consider the vote; which was carried.

It was then read a second time forthwith.

Mr Rice moved that the resolutions lie on the table; which was lost. Yeas 15, nays 74.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Barron, Bradley, Chiles, Davenport, Ford, Houston, moores, moore, Norman, Perkins, Reynolds, Rice, Scott, Smith of T. Storrs and Woodward.

Those who voted in the negative are, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Bishop, Broughton, Burleson, Cain, Clemens, Cochran, Covington, Crenshaw, Crawford, Davis of B. Davis of L. Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J. Griffin of m. Griffin of S. Hammond, Harriss, Haughton, Heflin, Henry, Henslee, Hogan, Hunter, James, Jones of Con. Jones of Cov. Jemison, Justice, Kidd, marchbanks, mason, mcAllister, R. mcAlpin, S. mcAlpin, mcLemore, mcLeod, mitchell, morgan, mundy, musgrove, Nerriss, Norwood, Phillips, Randolph, Rhodes, Rodgers, Rushing, Smith of J. Smith of L. Spruill, Steele, Strode, Stinson, Taylor. Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Wynn, Yancey and Young.

Mr. Reynolds moved the following amendment: "Strike out the increased salary for the next and succeeding year."

Mr. Young moved to amend it by striking out all after the word "dollars," with a view to insert the following, "and the same thereafter until otherwise regulated by law."

Mr. Davenport moved to refer it to the committee appointed on the penitentiary code, which was lost.

The question recurred on mr. Young's amendment, and carried.

Mr. Jemison moved the following amendment,

*Resolved further*, That a deputy warden shall not be appointed until directed by the General Assembly of the State, which was carried.

Mr. Rice moved the following amendment,

Strike out all after "*Resolved*," and insert, "that three commissioners shall be appointed by this General Assembly, who shall after thirty days public notice, on a day named in said notice, between the hours of 10 o'clock, A. M., and 3 o'clock, P. M., at the State capitol, proceed to put up the office of warden of the penitentiary to the lowest bidder, and that the person who makes the lowest bid and gives security according to law, shall have said office.

*Be it further Resolved*, That all laws contravening the provisions of these joint resolutions, be and the same are hereby repealed.

Mr. Wallace moved to amend mr. Rice's amendment with the following proviso: *Provided*, the sum shall not exceed the sum of twelve hundred dollars.

Mr. Taylor moved the previous question.

And the question was, shall the call be sustained, and carried. Yeas 45—nays 40.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Alexander of Laud., Alexander of Low., Allen, Barron, Davis of L.,

Erwin, Fletcher, Ford, Gardner, Garland, Griffin of M., Hammond, Heflin, Hogan, Houston, James, Jones of Con., Jones of Cov., Marchbanks, Mason, McLeod, McMillion of J., McMillion of B., Mundy, Musgrove, Norwood, Phillips, Randolph, Reynolds, Rodgers, Scott, Smith of J., Smith of L., Smith of T., Taylor, Troup, Valliant, Walker of B., Walker of Law, Wallace, Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs. Speaker, Armbrister, Barker, Bishop, Bradley, Broughton, Burleson, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B., Gresham, Griffin of J., Griffin of S., Harris, Haughton, Henry, Henslee, Jefferson, Jemison, Justice, Kidd, King, B. McAlpin, R. McAlpin, Mitchell, Morgan, Norwood, Perkins, Rice, Rhodes, Spruell, Steele, Storrs, Stinson, Ware and Young.

The main question was then put, Shall this bill be read the third time, and determined in the affirmative.

And then the House adjourned until to-morrow morning 10 o'clock.

THURSDAY, NOV. 18, 1841.

The House met pursuant to adjournment.

Mr. Crawford introduced a bill for the protection of females, their property, and for other purposes, which was read the first time and ordered to a second reading.

Mr. Crawford presented the petition of sundry citizens of Barbour county, which was read and referred to the delegation of Barbour county.

Accounts were presented by messrs. Walker of B., Crenshaw, Phillips, Norman and Scott, which were severally read and referred to the committee on accounts:

Mr. Taylor presented the petition of sundry citizens of Fayette county, praying to be attached to Walker county, which was read and referred to the committee on county boundaries.

Mr. Marchbanks introduced a bill to abolish a certain election precinct therein named, which was read and ordered to a second reading.

Mr. B. McAlpin presented the petition of the court and commissioners of Mobile county, which was read and referred to the delegation of Mobile.

Mr. Wallace introduced a bill to authorize the sale of property at the town of Fairfield in Pickens county, which was read and ordered to a second reading.

Mr. Heflin introduced a bill to amend an act therein named and for other purposes, which was read and ordered to a second reading.

Mr. Rushing introduced a bill for the benefit of Robert H. Dalton of Sumter county, which was read and ordered to a second reading.

Mr. B. McAlpin introduced a joint memorial of the General Assembly of the State of Alabama to the Legislature of New York, which was read and referred to the judiciary committee.

Mr. Houston introduced a bill to provide for the payment of the necessary stationery, books and office furniture of the register in chancery, which was read and ordered to a second reading.

Mr. Norwood introduced a bill for the better regulating and safe keeping of the 16th section funds, which was read and ordered to a second reading.

Mr. McAlister, from the military committee, to which was referred joint memorials to the Congress of the United States, on the subject of establishing an armory at the Great Falls of Tallapoosa river, reported the same without amendment, which was ordered to be engrossed for a third reading.

The same committee, to which was referred the petition of the field officers of the 40th regiment of Alabama militia, reported that it is inexpedient.

Ordered, that said report lie on the table.

Mr. Rice, from the committee on the State bank and branches, to which was referred a resolution, instructing them to report to this house a bill to provide that the bank of the State of Alabama and its branches, shall sue their debtors in the counties of their residence, reported a bill to provide that all suits by the bank of the State of Alabama and its several branches, shall be instituted in the counties where the parties sued may reside, and for other purposes, which was read the first time.

Mr. Jemison moved to postpone its further consideration until the 1st day of February next, which was lost—yeas 34, nays 59.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker, Barron, Bradley, Broughton, Clemens, Covington, Davis of L., Erwin, Ford, Gardner, Garland, Griffin of J., Houghton, Hogan, Houston, Jones of M., Jemison, B. McAlpin, R. McAlpin, S. McAlpin, Mitchell, Moore, Moores, Norris, Perkins, Smith of L., Smith of T., Spruell, Strode, Troup, Wallace, Ware, Woodward, Wynn and Young.

Those who voted in the negative are, messrs. Alexander of Land., Alexander of Low., Allen, Armbrister, Barker, Bishop, Burleson, Cain, Chiles, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Fletcher, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Heflin, Henry, Heislee, Hunter, James, Jones of Cov., Jefferson, Justice, Kennedy, Kidd, King, Marchbanks, Mason, McAlister, McLemore, McLeod, McMillion of B., McMillion of J., Morgan, Musgrove, Norman, Norwood, Phillips, Randolph, Reynolds, Rice, Rhodes, Rushing, Scott, Smith of J., Steele, Storrs, Stinson, Taylor, Valliant, Walker of B., Walker of L., Winston and Yancey.

Mr. Hogan then moved to postpone the bill to the first Monday in December next, which was lost.

The bill was ordered to a second reading.

A message from the Senate by Mr. Clitherall:

*Mr. Speaker:* The Senate has passed bills of the following titles, to-wit:

An act altering the mode of assessing and collecting the tax of Pike county.

An act to change the time of holding the county courts of Randolph.

An act to establish a ferry in Washington county.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to ascertain and fix a suitable site for the permanent location of the courthouse in Covington county, and for other purposes.

Also, a bill to be entitled an act to change the time of holding the summer term of Barbour county court, in which the concurrence of the House is asked.

Mr. Wynn from the committee on roads, bridges and ferries, to which was referred the petition of Edmund Shepard, reported the same as inexpedient, in which the House concurred.

On motion of Mr. Cochran,

*Resolved,* That the committee on education, be instructed to invite the Tuscaloosa Lyceum to have the lecture which will be on the subject of geology, by Professor R. T. Brumby of the University of Alabama, on Wednesday night of next week, delivered in the hall of the House of Representatives.

Mr. Wynn, from the committee on roads, bridges and ferries, to which was

referred the bill to provide for the working of roads on beat lines and for other purposes, reported an amendment which was adopted.

The bill was ordered to be engrossed for a third reading.

Mr. Winston, from the committee on county boundaries, to which was referred the petition of sundry citizens of the counties Randolph, Tallapoosa and Talladega, reported the same as inexpedient—in which report the *House* concurred.

Mr. B. McAlpin made the following report :

The committee on privileges and elections, to which was referred two bills to repeal the general ticket system, and a resolution instructing them to enquire whether the election upon that subject has been fairly conducted, and whether the returns have been correctly made according to law. The committee have instructed me to report, that they have had the same under consideration, and from the means in their possession, they had not been able to come to a definite conclusion as to the fairness of the election upon the general ticket and district system. But from the information derived from many of the members of the Legislature, your committee felt satisfied that in many of the counties, the proper steps have not been taken to ascertain the popular will upon that subject ; but a total disregard by many of the returning officers, to the law requiring them to interrogate each voter, whether he was in favor of the general ticket or district system.

Your committee deems comment upon the important and sacred character of the right of suffrage needless, as it is familiarly known, abundantly recognized and clearly illustrated, in all our rules, codes of rights and constitutions. Its value, its guards, its tenure, and the practical rules for the exercise of its powers, are therein delineated with sufficient perspicuity and ability ; and when, by the failure of an officer to do his duty, those estimable rights are defeated, the correction remains with the people and the people's representatives.

Your committee would, therefore, recommend that the subject be again referred to the people in the form of a law, and the officers be required, under heavy penalties, to take the proper steps to have the popular will of the people of the State, fairly expressed.

The committee have instructed me to report, that the returns are imperfect and there appears to have been a total disregard to the provisions of the law upon that subject. Although the vote in the different counties does not indicate the expression of the public will, as is clearly perceived from the vote cast for Governor and members to the General Assembly. The committee report as a substitute,

A bill to repeal the general ticket law—which was read the first time.

The question was to adopt the first section of the bill, and carried—yeas 66, nays 31.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Alexander of Laud., Alexander of Low., Barron, Bishop, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Garland, Gresham, Griffin of S., Harris, Henry, Henslee, Hogan, Houston, Hunter, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moore, Moores, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Reynolds, Rice, Rhodes, Rodgers, Rushing, Scott,

Smith of L., Smith of T., Spruell, Steele, Storrs, Stinson, Valliant, Walker of Law., Wallace, Ware, Woodward and Young.

Those who voted in the negative are, messrs. Speaker, Allen, Armbrister, Burleson, Clemens, Cochran, Davis of L., Fletcher, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, James, Jones of M., King, Marchbanks, McAllister, McMillion of B., McMillion of J., Musgrove, Randolph, Rodgers, Smith of J., Strode, Taylor, Troup, Walker of B., Winston, Wynn and Yancey.

The question was then taken on the second section and adopted. Yeas 53, nays 43.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Burleson, Clemens, Cochran, Davis of L., Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Hunter, Houston, James, Jones of Cov., Jones of M., King, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norwood, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Smith of L., Steele, Strode, Taylor, Troup, Valliant, Walker of B., Ware, Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs. Alexander of Low., Barker, Barron, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Ford, Gardner, Gresham, Griffin of S., Harris, Henry, Jones of Con., Jefferson, Jemison, Justice, Kennedy, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T., Spruell, Storrs, Stinson, Walker of L., Wallace and Young.

Mr. Kennedy, from the select committee to which was referred sundry petitions, reported a bill to authorize the citizens of township 1, range 10, west, to cancel a contract therein named, which was read and ordered to a second reading.

The Senate, by invitation from the clerk, repaired to the hall of the House of Representatives. The two houses then proceeded to the election of a judge of the county court of Pickens.

HENRY STITH and SAMUEL B. MOORE, being in nomination,

Those who voted for Mr. Stith are, messrs. Alston, Andress, Buford, Clarke, Craigh, Dailey, Dent, Hunter, Jones, King, McClanahan, Oliver, Phillips, Reese, Ross, Thornton, Turner, Watrous and Womack of the Senate; and messrs. Alexander of Low., Allen, Barker, Barron, Bradley, Broughton, Chiles, Cochran, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Ford, Gresham, Griffin of S., Harris, Haughton, Heflin, Henry, James, Jones of Con., Jefferson, Justice, Kennedy, Kidd, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moore, Moores, Mundy, Norris, Norwood, Phillips, Rice, Rhodes, Rushing, Scott, Smith of T., Spruell, Storrs, Strode, Stinson, Troup, Valliant, Walker of Law., Wallace, Ware, Woodward, Yancey and Young of the House—75.

Those who voted for Mr. Moore are, messrs. President, Baylor, Brindley, Foster, Hudson, McAllister, McConnell, Rodgers, Toulmin, Wilson of F. and Wilson of J., of the Senate; and messrs. Speaker, Alexander of Laud., Armbrister, Bishop, Burleson, Cain, Clemens, Davenport, Fletcher, Gardner, Garland, Griffin of J., Griffin of M., Hammond, Henslee, Hogan, Houston, Hunter, Jones of Cov., Jones of M., Jemison, King, Marchbanks, McAllister,



McMillion of B., McMillion of J., Morgan, Musgrove, Norman, Perkins, Randolph, Reynolds, Rodgers, Smith of J., Smith of Laud., Steele, Walker of B., Taylor, Winston and Wynn of the House—51.

Mr. Stith having received a majority of the whole number of votes given, mr. Speaker declared him duly and constitutionally elected judge of the county court of Pickens county, for the term of six years.

And the Senate withdrew.

Ordered, that the House concur in the resolution from the Senate, appointing a committee to wait on his Excellency the Governor elect, and ascertain from him when it will meet his convenience to take the oaths of office.

Whereupon messrs. Reynolds, Young and Morgan, were appointed said committee.

On motion of Mr. Hogan,

*Resolved*, with the concurrence of the Senate, that a committee be appointed to act with such committee as may be appointed by the Senate, in making appropriate arrangements for the inauguration of the recently elected Governor, and that said committee be authorized to invite the co-operation of such uniform company or companies as may be conveniently had, and all functionaries and citizens, in forming such procession as may be deemed advisable.

Whereupon, messrs. Hogan, Perkins, King, Spruell and Phillips, were appointed said committee.

Ordered, that the House concur in the resolution from the Senate, proposing to elect a solicitor for the 7th judicial circuit.

Ordered, that the clerk acquaint the Senate therewith.

On motion of mr. Clemens,

*Resolved*, That the reports of the Commissioners and of the Presidents of the several Banks, be referred to the committee on the State Bank and branches.

The House then proceeded to the orders of the day.

The joint resolutions from the Senate, in relation to the salary of the warden and deputy warden of the penitentiary, was read the third time.

Mr. Rice offered the following by way of engrossed rider :

*Be it further Resolved*, That no clerk shall be appointed for the ensuing year, but the duties of clerk shall be performed for the ensuing year by the warden, who shall receive therefor five hundred dollars, which was lost.

Mr. Ware offered the following, by way of engrossed rider.

*Provided further*, That the physician to be appointed to attend the penitentiary, shall not receive more than \$250 for the first year, which was lost.

Mr. Davenport offered the following by way of engrossed rider :

*Be it further enacted*, That the sum of 300 dollars be added to the salary of the warden, in addition to what is recommended in the first section.

Mr. Walker of B. in the chair, and decided mr. Davenport's amendment as being out of order, inasmuch as the matter contained in the amendment is irrelevant to the subject matter of the resolution.

From which decision mr. Davenport appealed, and the chair was sustained.

And the question being put, shall this resolution pass? and was decided in the affirmative—yeas 73, nays 19.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Bishop, Burleson, Cain, Coving-

ton, Crenshaw, Crawford, Davis of B. Davis of L. Erwin, Fletcher, Gardner, Garland, Griffin of J. Griffin of m. Griffin of S. Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of Cov. Jones of m. Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, McAllister, S. McAlpin, McLeod, McMillion of J. Mitchell, Moore, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Randolph, Rice, Rhodes, Rodgers, Rushing, Smith of J. Smith of L. Spruell, Stinson, Taylor, Troup, Valliant, Walker of L. Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.

Those who voted in the negative are, messrs Barron, Bradley, Broughton, Chiles, Cochran, Davenport, Ford, Gresham, B. McAlpin, R. McAlpin, moores, Perkins, Phillips, Reynolds, Scott, Smith of T. Steele, Storrs and Walke. of B.

Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

mr Erwin, who voted in the majority on the passage of the resolutions, moved to re-consider the vote; which was lost.

mr Rice moved that the House adjourn until to-morrow morning 10 o'clock, which was lost.

mr Winston moved that the resolution just passed, be forthwith sent to the Senate; which was carried. Yeas 31, nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud, Alexander of Low. Allen, Armbrister, Barker, Bishop, Bradley Broughton, Burleson, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B. Davis of L. Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J. Griffin of m. Griffin of S. Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hogan, Hunter, James, Jones of Con. Jones of Cov. Jones of m. Jefferson, Jemison, Justice, Kennedy, King, marchbanks, mason, B. McAlpin, R. McAlpin, McLeod, McMillion of J. Mitchell, moore, morgan, musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rhodes, Rodgers, Rushing, Smith of J. Smith of L. Smith of T. Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.

Those who voted in the negative are, messrs Barron, Cochran, Davenport, Ford, Houston, McLemore, Reynolds and Scott.

And then the House adjourned until to-morrow morning 10 o'clock.

FRIDAY, November 10, 1841.

The House met pursuant to adjournment.

mr Allen presented the petition of sundry citizens of Benton county; which was read, and referred to the committee on education.

mr Musgrove introduced a bill to compel certain persons therein named to work on public roads; which was read, and ordered to a second reading.

mr Musgrove introduced a bill to revive in part an act to revive, consolidate and amend the several acts relative to the militia of this State, passed December 30th, 1822; which was read, and ordered to a second reading.

Accounts were presented by messrs Jones of Cov. and Valliant; they were severally read, and referred to the committee on accounts.

mr Young presented the petition of sundry citizens of Greene county; which was read, and referred to the delegation of Greene county.

Mr Valliant presented the memorial of Robert H. Mosely; which was read and referred to the judiciary committee.

Mr Scott introduced a bill to vest in Ann Jones, wife of Lewis Jones, certain rights and privileges therein mentioned; which was read, and ordered to a second reading.

Mr Clemens presented the memorial of Daniel Littleton Downs; which was read, and referred to the delegation of Madison county.

Mr Barron introduced a bill to distribute the sixth census of the United States throughout this State; which was read, and ordered to a second reading.

Mr Barron introduced joint resolutions of the Legislature of the State of Alabama, in relation to the 100,000 acres of land granted to this State by the Congress of the United States; which was read a first and second time forthwith; and referred to a select committee.

Whereupon messrs Clemens, Barron, Jemison, Smith of L. and Smith of A. were appointed said committee.

Mr Harris introduced a bill to define and regulate the duties of county treasurer and tax collector for the county of Russell; which was read and ordered to a second reading.

Mr Rushing introduced a bill to alter the mode of assessing and collecting the taxes of Sumter county, and for other purposes; which was read, and ordered to a second reading.

Mr Gresham introduced a bill to appoint courthouse commissioners of the county of Tallapoosa, and for other purposes therein specified; which was read the first and second time forthwith, and ordered to be engrossed for a third reading.

A message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has passed the following bill, which originated in the House of Representatives, to wit:

An act to declare Bear creek a public highway.

Also the following, which originated in the Senate, to wit:

An act in relation to certain school lands in Tallapoosa county, purchased by F. Hall and R. R. Chilton; and

An act to prohibit members of the General Assembly from recommending promissory notes and bills of exchange for discount.

Also, a joint resolution authorizing the State bank and branches to reduce the State's liabilities.

In which they ask the concurrence of the House of Representatives.

Mr Gresham presented the petition of sundry citizens of Tallapoosa county; which was read, and ordered to lie on the table.

Mr Gresham introduced a bill to change the time of holding the county courts of Tallapoosa county; which was read; and ordered to a second reading.

Mr Hogan's report on the State bank and branches, being under consideration;

Mr Walker of B. moved to postpone it until Tuesday next; which was lost.

Mr Norris moved that it lie on the table; which was lost.

Mr Rice moved to postpone it until Monday next; which was carried.

Mr Clemens offered the following resolution:

*Resolved*, That the clerk of this House be authorized to employ such assistance as may be necessary to complete the business for the remainder of the session.

Which was lost.

mr Walker of L. introduced the following preamble and resolution:

*Whereas*, the constitution of our State requires that our penal code shall be established on principles of reformation, and not of vindictive justice; and whereas, the penitentiary code, as adopted by this State, was intended the more fully to carry out this salutary provision, by graduating punishments proportioned to the magnitude and grade of offence, so that the moral sense of the community should not be shocked by the inequality between crime and punishment. And whereas, many of the good citizens of this State believe the present penal code too severe and rigid in its enactments; and as true policy and justice would ever suggest the propriety of conforming the laws, as far as practicable, to enlightened and virtuous public opinion:

*Be it therefore resolved*, That said code be referred to the judiciary committee, with instructions to examine into and report such amendments as may be required to meet the just expectations of the people of the State, and to carry out the great end of its institution.

Which was adopted.

mr Walker of B. from the judiciary committee, to which was referred the bill to extend the jurisdiction of justices of the peace in certain cases, reported the same without amendment.

The bill was ordered to be engrossed for a third reading.

The same committee, to which was referred the bill for the better securing mechanics and laborers in the city and county of mobile, reported the same without amendment.

mr Erwin moved to amend it by way of proviso; which was adopted.

It was ordered to be engrossed for a third reading.

A message from the Senate by mr Clitherall:

mr Speaker—I am instructed to inform your honorable body, that the Senate refuses to concur in either of the amendments made by the House of Representatives to joint resolutions in relation to the salary of the warden and deputy warden of the penitentiary.

The bill to repeal the general ticket law being under consideration, the question was, shall the bill be engrossed and read the third time? and carried. Yeas 60, nays 27.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Alexander of Laud. Alexander of Low. Allen, Barker, Barron, Bishop, Bradley, Broughton, Cair, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Ford, Gardner, Gariand, Gresham, Griffin of S. Harris, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of Cov. Jefferson, Justice, Kennedy, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLeod, Mitchell, Moore, Moores, Norman, Norris, Norwood, Perkins, Phillips, Reynolds, Rice, Rhodes, Rushing, Scott, Smith of L. Smith of T. Spruell, Storrs, Stinson, Valliant, Walker of L. Wallace, Woodward and Young.

Those who voted in the negative were, messrs Speaker, Armbrister, Burleson, Clemens, Davis of L. Fletcher, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Jones of m. King, Marchbanks, McAlister, McMillen of B.

Morgan, Musgrove, Randolph, Rogers, Smith of J. Taylor, Troup, Walker of B. Winston, Wynn and Yancey.

Mr Young called up the bill to establish a bank at \_\_\_\_\_ and for other purposes.

Mr Walker of B. called up the bill to organize and establish separate courts of chancery, approved January 26, 1839.

Mr Reynolds made the following report:

The joint select committee appointed to wait on the governor elect, and inform him of his election, and ascertain from him at what time it would suit his convenience to be installed into office, beg leave to report, that they have performed that duty; and have received for answer, that he has fixed upon Monday the 22d inst. at 12 o'clock, m. for that purpose.

Ordered that said report lie on the table.

Engrossed bills from the Senate of the following titles, to wit:

An act in relation to certain school lands in Talladega, purchased by F. Hall and R. R. Clifton;

An act to prohibit members of the General Assembly from recommending promissory notes and bills of exchange for discount;

Joint resolutions authorizing the State bank and branches to reduce the State liabilities;

Were severally read the first time, and ordered to a second reading.

Resolutions from the Senate in relation to the salary of the warden and deputy warden of the penitentiary being under consideration,

Mr Young moved that the House adhere to their amendment made to said resolution; which was carried.

Mr Young then moved that a committee be appointed to confer with such committee as may be appointed on the part of the Senate as to the amendment.

Whereupon messrs Young, Reynolds, Houston, Taylor and Erwin were appointed said committee.

Ordered that the clerk acquaint the Senate therewith.

Mr Crenshaw made the following report:

The committee on enrolled bills have examined and found correctly enrolled:

An act to authorize the circuit court of Butler county to remain in session two weeks at its march term, 1842;

An act altering the mode of assessing and collecting the tax of Pike county;

An act to ascertain and fix a suitable site for the permanent location of a courthouse in Corington county, and for other purposes.

Engrossed bills of the following titles, to wit:

An act to alter the manner of compensating executors and administrators in certain cases;

An act to amend the charter of the planters' and merchants' bank of mobile;

An act the more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, approved the 2d February, 1839;

An act to incorporate the town of Dadeville in Tallapoosa county;

An act to provide for working of roads on beat lines;

Joint memorial to the Congress of the United States, on the subject of establishing an armory at the Great Falls of the Tallapoosa river;

Were severally read the second time and passed.

Ordered that the titles be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill for the relief of tales jurors in the county of St. Clair, was read the third time.

mr Barron moved to amend it by way of the following engrossed ryder:

*Sec. 2. And be it further enacted,* That the provisions of the foregoing act also apply to the counties of Perry, Washington, Shelby and Marshall.

Which was adopted.

The title amended by adding the words, "and other counties."

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

On motion of mr Perkins—

*Resolved,* That the doorkeeper be and he is hereby authorized to procure as many plain benches for the lobby of this House, as may be used therein, leaving three feet passway outside of the columns.

The engrossed bill authorizing the purchase and distribution of certain books, was, on motion of mr Reynolds, ordered to lie on the table.

Engrossed bill for the relief of Harriet Hatfield, was read a third time.

mr Smith of T. moved the following amendment, by way of engrossed ryder:

*Be it further enacted,* That the provisions of this bill be and the same are hereby applicable to Sally Turner Switzer, wife of Leonard Switzer, of Tuscaloosa county.

Which was adopted.

mr Musgrove moved to amend it by way of the following, as engrossed ryder:

*And be it further enacted,* That all the privileges in the first section of this act, be extended to Sarah Partain, wife of James Partain, of Blount county.

mr Davis of L. moved to amend the amendment with the following proviso:

*Provided,* Said ladies shall be permitted to vote in all elections, and their husbands be prevented from so doing.

Which was lost.

The question recurred on the amendment, and carried.

mr Henry moved to amend it with the following ryder:

*And be it further enacted,* That all the provisions of the first section of this act be extended to Jane Doss, of Bibb county, wife of Mark W. Doss, who went to Texas, and is non comatibus.

Which was adopted.

mr Perkins, who voted in the majority on the vote just taken, moved to reconsider the vote; which was lost.

mr Mcleod moved the following proviso:

*Provided however,* the same privileges and immunities be granted to Susanah Brewer, wife of John Brewer, of Pike county.

mr Rushing moved the following:

*Be it further enacted,* That the privileges of the foregoing provisions in said bill be extended to Nancy Alexander, of Sumter county.

mr Walker of L. moved to refer the bill to the judiciary committee, with instructions to change the phraseology of said bill; which was carried.

Bills from the Senate of the following titles, to wit :

An act for the relief of Richard G. Earle;

An act to confirm the will of Thomas Murphy, deceased;

An act to ascertain and fix permanently the line between the counties of Jackson and Madison;

An act to establish a road court in the county of Mobile;

An act to establish a certain election precinct therein named, and for other purposes; and

An act to authorize the comptroller of public accounts to draw his warrant on the State treasurer in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, judge of the second judicial circuit;

Were severally read, and ordered to a second reading.

A message from the Senate by mr Clitherall:

mr Speaker—The Senate insist upon their disagreement to the amendments made by the House of Representatives to the joint resolutions in relation to a reduction of the salary of the warden and deputy warden of the penitentiary.

The Senate has appointed messrs Hunter, Jones, King, Hudson and Hall a committee of conference, to act with a like committee of the House on this subject.

The engrossed bill from the Senate to compel the judges of the county court of the counties of Franklin and Monroe, to reside at or within three miles of the courthouse, was read the third time.

Mr. Erwin moved to amend the bill, by way of the following engrossed rider :

“Provided that the judges of the county court of the counties of Mobile, Baldwin and Washington, may reside at any place within their respective counties.

Mr. Mundy moved to amend the amendment by adding the words “and Lowndes county,” which was lost.

Mr. Erwin’s amendment was adopted; and the question was on the passage of the bill and lost—yeas 44, nays 47.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Low., Armbrister, Barker, Barron, Bradley, Broughton, Chiles, Crenshaw, Crawford, Davenport, Ford, Gardner, Garland, Gresham, Griffin of S., Hammond, Hellen, Hunter, Jones of Con., Jefferson, Jemison, Kennedy, Kidd, Marchbanks, Mason, S. McAlpin, McLemore, McLeod, Moores, Norwood, Norris, Rhodes, Rushing, Scott, Smith of T., Spruell, Stinson, Valliant, Walker of Benton, Walker of Law., Wallace and Young.

Those who voted in the negative are, messrs. Alexander of Laud., Allen, Bishop, Burleson, Cain, Cochran, Covington, Davis of B., Davis of L., Erwin, Fletcher, Griffin of J., Griffin of M., Haughton, Henry, Henslee, Hogan, Houston, James, Jones of Cov., Jones of M., Justice, King, McAllister, B. McAlpin, R. McAlpin, McMillion of B., McMillion of J., Mitchell, Moore, Morgan, Mundy, Musgrove, Norman, Perkins, Phillips, Randolph, Reynolds, Rice, Rodgers, Smith of L., Smith of J., Steele, Troup, Winston, Woodward and Wynn.



So the bill was negatived.

And then the *House* adjourned to 10 o'clock to-morrow morning.

SATURDAY, NOV. 20, 1841.

The House met pursuant to adjournment.

Mr. McIemore presented the petition of Thomas B. Roysden, which was read and referred to the committee on propositions and grievances.

Mr. Rodgers presented an account, which was read and referred to the committee on accounts.

Mr. Garland introduced a bill to compel the judge of the county court of Franklin county, to reside at or within three miles of the courthouse, which was read and ordered to a second reading.

Mr. Chiles presented the memorial of W L. Lyell, which was read and referred to the judiciary committee.

Mr. McMillion of J., introduced a bill to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved February 1, 1839, which was read and ordered to a second reading.

Mr. Griffin of M., introduced a bill to abolish and establish election precincts in the county of Marshall, which was read and ordered to a second reading.

Mr. Alexander of Laud., introduced a bill to establish an additional board of physicians in the town of Florence, which was read and ordered to a second reading.

Mr. Speaker laid before the House a communication from the cashier of the branch bank at Decatur, which was read and referred to the committee on bank frauds.

*Message from the Senate, by Mr. Clitherall:*

*Mr. Speaker:* The Senate has passed the following bills, which originated in the Senate.

An act to amend and explain an act entitled an act for the relief of Elizabeth Morris, approved 9th January, 1836. And

An act to distribute the 240 copies of the printed returns of the 6th census of the people of the United States.

In which the concurrence of the House is asked.

Mr. Walker of B., from the judiciary committee, to which was referred so much of the Governor's message as relates to the subject of digesting the laws of Alabama, reported a bill to provide for digesting the laws of the State of Alabama, which was read and ordered to a second reading.

The same committee, to which was referred the bill from the Senate to amend the charter of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes, reported the same without amendment.

Ordered, that said report lie on the table.

Mr Young made the following report.

The committee of conference to which was referred the joint resolutions from the Senate in relation to the salary of the warden of the Penitentiary have according to instructions had the same under consideration and have agreed to the following propositions which are to be reported to each House.

The House of Representatives do agree to the original resolution of the Senate so far as the word "dollars" where it occurs the second time in said resolution, and the Senate to recede from their disagreement to the amend-

ments of the House of Representatives; in which report the House concurred.

Ordered that the clerk acquaint the Senate therewith.

Mr McMillon of J. made the following report.

The committee on-enrolled bills have examined and find correctly enrolled bills of the following titles to-wit.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to establish a ferry in Washington county.

And an act to change the time of holding the county courts of the county of Randolph.

On motion of Mr Taylor.

*Resolved*, That the Senate be now invited into the Hall of the House of Representatives to go into the election of a solicitor of the 7th judicial circuit.

Ordered that the clerk acquaint the Senate therewith.

The Senate repaired to the Hall.

Mr President announced the object of the meeting of the two Houses.

The two houses then proceeded to the election of a solicitor for the 7th judicial circuit.

Messrs SAMUEL F. AUSTILL. WM. M. GRENE, C. E. B. STRODE, and LEMUEL COOK, being in nomination.

Those who voted for Mr Austill, are messrs. Baylor, Creagh, King, Ross, Rodgers, Toulmin, Wilson of J. and Womack, of the Senate, and messrs. Armbrister, Barron, Bradley, Gardner, Griffin of S. Hammond, Houston, Jones of Mad. Jefferson, King, Mason, Mundy, Norwood, Rhodes, Smith of J. Spruell, Stinson, Valiant and Wallace of the House—27

Those who voted for Mr Greene, are messrs. Alston, Thornton, and Watrous. of the Senate; and messrs. Covington, Davis of B. Davenport, Henry, Jemison, S. McAlpin, Smith of T. and Young of the House—11

Those who voted for Mr Strode, are messrs. President, Address, Buford, Clarke, Dent, Foster, Hall, Hunter, Jones, McAllister, McClanahan, McConnell, Oliver, Phillips, Turner, and Wilson of F. of the Senate; and messrs. Speaker, Alexander of Low. Allen, Bishop, Broughton, Cain, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davis of L. Fletcher, Ford, Gresham, Griffin of M. Griffin of J. Harris, Haughton, Henslee, Hogan, Hunter, Hutchinson, James, Jones of Con. Jones of Cov. Justice, Kennedy, Kidd, Marchbanks, McAllister, B. McAlpin, R. C. McAlpin, McLemore, McLeod, McMillon of B. McMillon of J. Mitchell, Moore, Moores, Morgan, Musgrove, Norris, Phillips, Randolph, Rice, Rodgers, Rushing, Steele, Storrs, Taylor, Troup, Walker of B. Winston, Woodward, Wynn, and Yancey, of the House—73.

And those who voted for Mr. Cook, are Messrs. Brindley and Hudson, of the Senate; and Messrs. Alexander of Laud. Barker, Burleson, Garland, Heflin, Norman, Reynolds, and Walker, of Law., of the House—10.

Mr. Strode having received a majority of the whole number of votes given Mr. Speaker declared him duly and constitutionally elected solicitor of the 7th judicial circuit for the time prescribed by law.

The Senate then withdrew to their chamber.

Mr. Winston from the select committee to which was referred a bill to repeal in part the act regulating punishments under the Penitentiary system, approved January 9, 1841, reported a substitute in lieu thereof, which was adopted.

Mr. Taylor moved the following amendment, and the counties of Fayette, Marion, St. Clair, Morgan, Bibb, Henry, Pike, Blount, Jackson, Randolph, Lauderdale, Clark, Covington, Autauga, Limestone, Shelby, Barbour, Dale, Russell, Butler, Talladega and Coosa.

Mr. Hutchinson moved that the bill be indefinitely postponed; which was lost.

The question then recurred on Mr. Taylor's amendment, and carried; and ordered to be engrossed for a third reading.

A message from the Senate by Mr. Clitherall,

*Mr. Speaker* : I am instructed to inform your Honorable body of the concurrence of the Senate, in the report of the committee of conference in relation to the salaries of the warden and deputy warden of the Penitentiary.

Mr. Hunter from the select committee to whom was referred certain communications from the State of Maine and other States, upon the subject of the Northeastern Boundary, reported sundry resolutions, which were severally concurred in and adopted by the House.

The House took up for consideration the resolution from the Senate proposing to go into the election of warden and three inspectors of the penitentiary.,

Mr Rice moved to amend it by inserting 1 o'clock to-day which was agreed to.

Ordered that the clerk acquaint the Senate therewith.

Mr Rice made the following report.

Ordered that the clerk acquaint the Senate therewith.

The committee on the State bank and branches to whom was referred two resolutions calling for information as to the amount of money paid to valueless 16th sections; and also to the amount of money paid for all purposes by the bank of the State of Alabama and its branches, which if not paid by those banks would have been drawn by taxation from the pockets of the people, have instructed me to submit the accompanying statement to the House.

In the short time of a session of the Legislature the committee believe it almost impossible to procure all the information called for. The statement submitted extends back only to the 9th January 1836, and of course does not embrace all the items of expence from which the people have been relieved by the operations of the banks; it shews however that since the 9th January 1836 the banks have relieved the citizens of Alabama; from taxation to the amount of \$1,687,829 13.

In submitting this statement the committee have been actuated by a desire to lay this important information before the House, at an early period, and they respectfully ask to be discharged from the further prosecution of the labors imposed upon them by the resolution above named.

Mr. Jemison moved a re-commitment, which was carried.

Mr. Walker of B. called up the Bill from the Senate, to amend the charters of the bank of the State of Alabama and the several branch banks in the mode of collecting their debts and for other purposes, it was ordered to a 3d reading.

Mr Clemens moved the adoption of the resolution introduced by himself on yesterday in relation to the clerk which was disagreed to.

A message from the Senate by Mr Philpott.

Mr Speaker; the Senate have concurred in the amendment of the House. to

the resolution of the Senate in relation to the election of warden of the penitentiary and have amended the same by adding three inspectors.

Mr Mitchell moved the following report.

The committee on enrolled bills have examined and find correctly enrolled joint resolutions in relation to the salary of warden and deputy warden of the penitentiary.

Mr Clemens from the select committee to which was referred the petition of the judge and commissioners of the county court of Madison county to borrow six thousand dollars, which was read and ordered to a 2d reading.

On motion of Mr Rice.

*Resolved*, That the Senate be invited to the Hall for the purpose of electing a warden and three inspectors of the penitentiary.

Ordered, that the clerk convey the same to the Senate.

In accordance with the above invitation, the Senate repaired to the hall of the House.

The President then announced the object of the meeting of the two houses, and they proceeded to the election of a warden of the penitentiary.

F. F. ADRIAN, RICHARD BURRUSS, WM. CAMPBELL, WM. HOGAN, WM. McCAY, ALEXANDER RIDDLE and JAMES SHANNON, being in nomination.

Those who voted for mr. Adrian are, messrs. Reese of the Senate, and Hammond, Heflin, B. McAlpin, McMillion of J., Taylor and Walker of B., of the House—7.

Those who voted for mr. Burruss are, messrs. Hudson and Rodgers of the Senate, and Alexander of Laud., Barker, Burleson, Garland, Kennedy, Norman, Valliant and Walker of Law., of the House—10.

Those who voted for mr. Campbell are, messrs. Address, Creagh, Jones, Ross and Womack, of the Senate; and messrs. Broughton, Chiles, Crenshaw, Crawford, Gresham, Hunter, James, Jones of Cov., Jefferson, Justice, Mason, McLeod, Randolph, Rhodes, Rushing, Storrs, Stinson, Woodward and Yancey, of the House—24.

Those who voted for mr. Hogan are, messrs. Alston, Baylor, Buford, Dent, Foster, Hunter, King, McConnell, Oliver, Phillips, Thornton, Turner and Wilson of F., of the Senate; and messrs. Alexander of Law., Barron, Bishop, Bradley, Cochran, Covington, Davenport, Davis of B., Erwin, Ford, Gardner, Griffin of S., Harris, Henry, Hogan, Hutchinson, Jones of Con., Jemison, Kidd, McAllister, R. McAlpin, S. McAlpin, McLemore, Mitchell, Morris, Mundy, Norris, Norwood, Perkins, Rice, Scott, Smith of T., Spruell, Strode, Wallace and Young, of the House—49.

Those who voted for mr. McCay are, messrs. President, Clarke, McClanahan and Turner, of the Senate; and messrs. Speaker, Cain, Clemens, Haughton, Houston, Jones of mad., Moore, Reynolds, Smith of Laud., Troup and Wynn, of the House—15.

Those who voted for mr. Riddle are, messrs. Brindley, McAllister, Toulmin and Wilson of J., of the Senate; and messrs. Allen, Armbrister, Davis of L., Fletcher, Griffin of J., Griffin of M., Henslee, King, Marchbanks, McMillion of B., Musgrove, Rodgers, Smith of Jackson and Winston, of the House—18.

Those who voted for mr. Shannon are, messrs. Hall of the Senate, and Morgan, Phillips and Steele, of the House—4.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a second time.

Those who voted for mr. Adrian are, messrs. Reese of the Senate, and Heflin, memillion of J. and Taylor, of the House—4.

Those who voted for mr. Burruss are, messrs. Hudson and Rodgers of the Senate, and messrs. Alexander of Laud., Barker, Burleson, Garland, Houston, Norman, Valliant and Walker of B., of the House—10.

Those who voted for mr. Campbell are, messrs. Andress, Clarke, Creagh, Jones, Ross and Womack, of the Senate; and messrs. Broughton, Chiles, Crenshaw, Crawford, Harris, Hunter, James, Jones of Cov., Jefferson, Justice, Mason, McAllister, B. McAlpin, McLeod, Moore, Phillips, Randolph, Rhodes, Rushing, Storrs, Stinson, Walker of B., Woodward and Yancey, of the House—30.

Those who voted for mr. Hogan are, messrs. Alston, Baylor, Buford, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Thornton, Watrous and Wilson of F., of the Senate; and messrs. Alexander of Low., Barron, Bishop, Bradley, Cochran, Covington, Davis of B., Davenport, Erwin, Ford, Gardner, Gresham, Griffin of S., Hammond, Henry, Hogan, Hutchinson, Jones of Con., Jemison, Kidd, B. McAlpin, S. McAlpin, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rice, Scott, Smith of T., Spruell, Strode, Troup, Wallace and Young, of the House—51.

Those who voted for mr. McCay are, messrs. President, McClanahan and Turner, of the Senate; and messrs. Speaker, Cain, Clemens, Haughton, Jones of M., Kennedy, Reynolds, Smith of L. and Wynn, of the House—12.

Those who voted for mr. Riddle are, messrs. Brindley, Toulmin and Wilson of J. of the Senate; and messrs. Allen, Armbrister, Davis of L., Fletcher, Griffin of J., Griffin of M., Hunter, King, Marchbanks, memillion of B., Musgrove, Rodgers, Smith of J. and Winston, of the House—17.

Those who voted for mr. Shannon are, messrs. Hall of the Senate, and Morgan and Steele of the House—3.

Neither having received a majority of the whole number of votes given, the two houses proceeded to ballot a third time. The names of messrs. Shannon and Adrian having been withdrawn.

Those who voted for mr. Burruss are, messrs. Hudson and Rodgers of the Senate, and Alexander of L., Barker, Burleson, Garland, Heflin, Valliant and Walker, of the House—9.

Those who voted for mr. Campbell are, messrs. Andress, Clarke, Creagh, Hall, Jones, Reese, Ross and Womack, of the Senate; and messrs. Broughton, Chiles, Crenshaw, Houston, Hunter, James, Jones of Cov., Jefferson, Justice, Kennedy, Mason, B. McAlpin, McLeod, Moore, Morgan, Phillips, Randolph, Rhodes, Rushing, Smith of L., Steele, Stinson, Walker of B., Woodward and Yancey, of the House—33.

Those who voted for mr. Hogan are, messrs. Alston, Baylor, Buford, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Thornton, Toulmin, Wilson of F. of the Senate; and messrs. Alexander of Low., Barron, Bishop, Bradley, Cochran, Covington, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Gresham, Griffin of S., Hammond, Harris, Henry, Hogan, Hutchinson, Jones of Con., Jemison, Kidd, McAllister, R. McAlpin, S. McAlpin, McLemore, memillion of J., Mitchell, Moores, Mundy, Norris, Perkins, Rice, Scott, Smith of T., Spruell, Storrs, Strode, Troup, Wallace and Young, of the House of Representatives—57.

Those who voted for mr. McCay are, messrs. President, McClanahan and Turner, of the Senate; and messrs. Speaker, Cain, Clemens, Haughton, Jones of mad., Norman, Reynolds and Wynn—11.

Those who voted for mr. Riddle are, messrs. Brindley and Wilson of J. of the Senate; and messrs. Armbrister, Allen, Davis of L., Fletcher, Griffin of J., Griffin of M., Henslee, King, Marchbanks, McMillion of B., Musgrove, Rodgers, Smith of J., Taylor and Winston, of the House of Representatives—17.

Neither having received a majority, the two houses proceeded to ballot a fourth time.

Those who voted for mr. Burruss are, messrs. Rodgers of the Senate, and Barker, Taylor, Valliant and Walker of L. of the House—5.

Those who voted for mr. Campbell are, messrs. Clarke, Creagh, Hall, Hudson, Jones. McClanahan, Ross and Womack, of the Senate; and messrs. Alexander of L., Allen, Burleson, Chiles, Crenshaw, Gresham, Harris, Haughton, Heflin, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Justice, Kennedy, Mason, B. McAlpin, McLeod, Moore, Morgan, Norman, Phillips, Randolph, Reynolds, Rhodes, Rushing, Smith of L., Steele, Storrs, Stinson, Walker of B., Woodward, Wynn and Yancey, of the House—44.

Those who voted for mr. Hogan are, messrs. President, Alston, Andress, Baylor, Buford, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Reese, Thornton, Toulmin, Watrous and Wilson of F. of the Senate; and messrs. Alexander of Low. Barron, Bradley, Bishop, Broughton, Cain, Clemens, Cochran, Covington, Crawford, Davenport, Davis of B. Davis of L. Erwin, Fletcher, Ford, Gardner, Garland, Griffin of M. Griffin of S. Hammond, Henry, Hogan, Hutchinson, Jones of Con. Jemison, Kidd, McAllister, R. C. McAlpin, S. McAlpin, McLemore, McMillion of J. Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Rice, Scott, Smith of T. Spruell, Strode, Troup, Wallace and Young of the House.—64.

Those who voted for Mr McCay, are messrs. Turner of the Senate; and Speaker of the House.—2

Those who voted for Mr Riddle, are messrs Brindley, and Wilson of J. of the Senate; and messrs. Armbrister, Griffin of J. Henslee, King, Marchbanks, McMillion of B. Musgrove, Rodgers, Smith of J. and Winston of the House.—12.

Mr Hogan having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Warden of the Penitentiary for the time prescribed by law.

The two houses next proceeded to the election of three inspectors of the penitentiary.

Messrs. J. M. ARMSTRONG, D. LYMAN BEECHER,—COLE, LARKIN, CLEVELAND, FAGAN, HICKMAN,—FOWLER, KYLE, L. KENNEDY, L. P. SAXON, SAMUEL LEEPER, HENRY LEWIS, S. S. SIMMONS, M. SMITH, and — WATSON, being in nomination.

Those who voted for mr. Armstrong are, messrs. Hunter, McConnell, Oliver, Ross and Thornton, of the Senate; and messrs. Alexander of L., Armbrister, Bradley, Cain, Chiles, Crawford, Davis of B., Fletcher, Ford, Gardner, Gresham, Griffin of S., Harris, Henry, Hunter, Hutchinson, Jones of Cov., Justice, Kennedy, Kidd, King, Mason, McAllister, McLemore, McLeod, McMillion of B., Moore, Moores, Mundy, Norris, Rhodes, Scott, Smith of J., Smith of T., Stinson, Valliant, Wallace and Winston, of the House—44.



Those who voted for mr Beecher are, messrs President, Andrews, Buford, Dent, King, Oliver, Phillips and Womack, of the Senate; and messrs Alexander of L. Barker, Cochran, Covington, Crenshaw, Davis of B. Erwin, Gardner, Gresham, Griffin of S. Harris, Henry, Hutchinson, Jones of Cov. Jemison, McLenore, Mitchell, Norwood, Perkins, Rhodes, Scott and Smith of T. of the House.—30.

Those who voted for mr Cole are, messrs Buford, of the Senate; and Broughton, Crawford, Gresham, Hunter, Justice and McAlister of the House.—7.

Those who voted for mr Cleaveland are, messrs Creagh, Foster, Ross and Toulmin, of the Senate; and messrs Burleson, Hammond, Hetlin, Hogan, Houston, Marchbanks, Musgrove, Norman, Reynolds, Taylor and Yancy, of the House.—15.

Those who voted for mr Fowler are, messrs Andrews, Brindley, Creagh, Hunter, McAlister, Reese, Rogers, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs Broughton, Cain, Chiles, Gardner, Jones of Con. Jefferson, Kidd, Mason, Moore, Mundy, Rice, Rushing, Scott, Storrs and Strode, of the House.—27.

Those who voted for mr Kyle are, messrs Hunter, of the Senate; and Davenport, Hutchinson, Kidd, Mason, R. C. McAlpin, Phillips and Storrs, of the House.—8.

Those who voted for mr Kennedy are, messrs Turner, of the Senate; and messrs Speaker, Alexander of L. Barker, Davenport, Davis of J. Ford, Henry, Kennedy, McLeod, Mitchell, Moores, Smith of T. Stinson and Walker of L.—15.

Those who voted for mr Saxon are, messrs Alston, Baylor, Clarke, Creagh, Foster, Phillips, Reese, Rodgers and Womack, of the Senate; and messrs Alexander of L. Allen, Barron, Bishop, Bradley, Broughton, Chiles, Clemens, Cochran, Covington, Crenshaw, Davenport, Davis of L. Erwin, Ford, Garland, Griffin of S. Haughton, Hogan, Houston, Hutchinson, Jones of m. Jefferson, B. McAlpin, R. C. McAlpin, McMillion of J. Moores, Musgrove, Norris, Perkins, Randolph, Rhodes, Rushing, Smith of L. Spruell, Storrs, Strode, Troup, Valliant, Walker of B. Wallace, Woodward, Wynn and Yancy, of the House.—54.

Those who voted for mr Leeper are, messrs President, Brindley, McClanahan, Rodgers, Wilson and Womack, of the Senate; and messrs Speaker, Armbrister, Barker, Bishop, Cain, Covington, Crenshaw, Fletcher, Garland, Griffin of J. Henslee, King, McMillion of B. Rodgers, Smith of J. Stinson, Valliant, Walker of L. and Winston.—25.

Those who voted for mr Lewis are, messrs Griffin of m. Jones of Con. Morgan and Steele, of the House.—4.

Those who voted for mr Simmons are, messrs President, Alston, Baylor, Clarke, Dent, Hall, Hudson, Jones, King, McAlister, McClanahan, Toulmin and Turner, of the Senate; and messrs Speaker, Alexander of Laud. Allen, Barron, Burleson, Clemens, Davenport, Garland, Griffin of m. Hammond, Haughton, Henry, Henslee, James, Jones of m. Jemison, Marchbanks, B. McAlpin, S. McAlpin, McMillion of J. Mitchell, Morgan, Mundy, Musgrove, Norris, Perkins, Phillips, Rice, Rodgers, Smith of Laud. Steele, Taylor, Walker of B. Woodward and Wynn, of the House.—48.

Those who voted for mr Smith are, messrs Hall, Hudson, Jones, McConnell and Reese, of the Senate; and messrs Barron, Bradley, Cochran, Fletcher,



Griffin of J. King, McMillion of J. Norman, Randolph, Reynolds, Smith of J. Troup and Yancey, of the House.—18.

Those who voted for Mr Watson are, messrs President, Alston, Andress, Baylor, Brindley, Buford, Clarke, Dent, Hunter, Hall, Hudson, Jones, King, McAlister, McClanahan, McConnell, Oliver, Phillips, Ross, Thornton, Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Allen, Armbrister, Bishop, Burleson, Clemens, Crawford, Davis of B. Erwin, Griffin of m. Hammond, Harris, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov. Jones of m. Jefferson, Jemison, Justice, Kennedy, Marchbanks, McAlister, B. McAlpin, McLemore, McLeod, McMillion of B. Moore, Norman, Norris, Norwood, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of L. Strode, Taylor, Troup, Walker of B. Walker of L. Wallace, Winston, Woodward and Wynn, of the House.—73.

Mr Watson having received a majority of the whole number of votes given, Mr Speaker declared him duly elected inspector of the penitentiary for the term prescribed by law.

The two Houses then proceeded to ballot for two inspectors; the names of messrs Cole, Cleaveland, Fowler, Kyle, Leeper, Lewis, Smith and Fagan, having been withdrawn.

Those who voted for Mr Armstrong are, messrs Andress, Buford, Clarke, Hall, Hunter, Jones, McAlister, McConnell, Phillips, Ross, Rodgers, Thornton, Turner and Womack, of the Senate; and messrs Alexander of L. Armbrister, Barron, Barker, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B. Erwin, Fletcher, Ford, Gardner, Gresham, Griffin of J. Griffin of S. Hammond, Harris, Heflin, Hunter, Hutchinson, Jones of Con. Jones of Cov. Jefferson, Jemison, Justice, Kennedy, Kidd, King, Mason, McAlister, McLemore, McLeod, McMillion of J. Mitchell, Mundy, Rhodes, Rushing, Scott, Smith of J. Smith of L. Smith of T. Storrs, Strode, Stinson and Valliant, of the House,—63.

Those who voted for Mr Beecher are, messrs Buford, of the Senate; and Crawford, Gresham, Hutchinson, Jones of Con. Kidd, Perkins and Smith of L.—8.

Those who voted for Mr Saxon are, messrs President, Clarke, Creagh, Foster, McClanahan and Womack, of the Senate; and messrs Speaker, Allen, Armbrister, Barron, Bishop, Bradley, Broughton, Burleson, Chiles, Clemens, Cochran, Covington, Crenshaw, Davis of L. Erwin, Fletcher, Ford, Garland, Griffin of J. Griffin of m. Griffin of S. Henslee, Houston, Hunter, Hutchinson, Jones of Con. Kidd, Mason, B. McAlpin, R. C. McAlpin, McLemore, McLeod, Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rhodes, Rushing, Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B. Woodward, Wynn and Yancey, of the House.—60.

Mr Mitchell, of the House, voted for Mr Kennedy.—1.

Those who voted for Mr Simmons are, messrs President, Andress, Brindley, Creagh, Foster, Hall, Hunter, Jones, McAlister, McClanahan, McConnell, Phillips, Ross, Rodgers, Thornton and Turner, of the Senate; and messrs Speaker, Alexander of L. Barker, Bishop, Burleson, Cain, Clemens, Cochran, Davis of B. Davis of L. Gardner, Garland, Griffin of m. Hammond, Harris, Heflin, Henslee, Houston, James, Jemison, Kennedy, King, McAlister, B. McAlpin, R. C. McAlpin, McMillion of Jefferson, Moore, Morgan, Mundy, Musgrove, Norman, Perkins, Phillips, Randolph, Rice, Scott, Smith of J. Smith of L. Taylor, Troup, Walker of B. Woodward, Wynn and Yancey, of the House.—63.

messrs Armstrong and Simmons each having received a majority of all the votes given, mr Speaker declared them duly elected inspectors of the penitentiary for the time prescribed by law.

The Senate then withdrew, and the House adjourned till monday morning 10 o'clock.

MONDAY, November 22, 1841.

The House met pursuant to adjournment.

A message from the Senate by mr Clitherall:

*Mr Speaker*—The Senate has passed bills of the following titles, to wit:

An act further to provide for defraying the expenses of the chancery courts of this State;

An act to authorize the relinquishment of sixteenth sections in certain cases;

An act to reduce the number, and change the mode of electing the directors of the bank of the State of Alabama and its several branches; and

An act to alter the mode of collecting and assessing the taxes of Limestone county.

In all of which, they ask the concurrence of the House of Representatives. mr Hogan introduced a bill for the relief of William Mills; which was read, and ordered to a second reading.

mr Crawford introduced a bill to incorporate the town of Clayton, Barbour county, Alabama; which was read, and ordered to a second reading.

mr Cochran introduced a bill to compensate Robert Fenner and others; which was read, and ordered to a second reading.

messrs Phillips and Jones of Cov. presented accounts. They were severally read; and referred to the committee on accounts.

mr Taylor presented the petition of sundry citizens of Fayette county; which was read, and referred to the committee on propositions and grievances.

mr Mundy presented the petition of sundry citizens of Lowndes county; which was read, and referred to the committee on privileges and elections.

mr Davenport presented the petition of sundry citizens of marengo county; which was read, and referred to the judiciary committee.

mr Scott presented the petition of sundry citizens of macon county; which was read, and referred to the committee on privileges and elections.

mr Perkins, from the committee on the State capitol, to which was referred the bill for re-covering and repairing the State capitol, reported the following amendment: "insert, after the word 'tin,' the words, 'or slate;'" which was adopted. It was ordered to be engrossed for a third reading.

mr Crawford presented the petition of sundry citizens of Barbour county; which was read, and referred to the delegation of Barbour county.

mr Erwin, from the committee on internal improvements, to whom was referred so much of the Governor's message as relates to the late act of Congress on the two per cent. fund, reported a bill to accept the two per cent. fund; which was read, and ordered to a second reading.

mr Taylor, from the committee on propositions and grievances, to which was referred the petition of John Starnes, reported a bill for the relief of John Starnes; which read, and ordered to a second reading.

mr B. McAlpin, from the committee on privileges and elections, reported a bill to take the vote upon the general ticket and the district system; which was read, and ordered to a second reading.

Mr Erwin, from the committee on internal improvement, to which was referred the bill to repeal in part and amend an act therein named, reported the same without amendment. It was ordered to be engrossed for a third reading.

Mr McAlister, from the military committee, to which was referred a bill to establish an additional regiment of militia, and for other purposes, reported a substitute in lieu thereof; which was adopted. The bill was ordered to be engrossed for a third reading.

Mr Erwin, from the committee on internal improvement, to which was referred the bill to declare the Noxubee river a navigable stream, reported sundry amendments.

Mr Woodward moved to refer the bill to the delegation of Sumter county; which was carried.

Mr Walker of B. from the judiciary committee, to which was referred the bill to alter and amend the laws of this State relating to collections of claims against steamboats and other crafts navigating the waters of Alabama, reported sundry amendments; which were adopted. It was ordered to be engrossed for a third reading.

Mr McAlister, from the Military committee, to which was referred the bill to re-organize the militia of the State of Alabama, and establish a military code for the government thereof, reported that it is inexpedient to pass the bill.

Ordered that said report lie on the table.

Mr Hogan made the following report;

The joint committee of arrangements have agreed on the following plan for the order of procession at the installation of Governor Fitzpatrick:

First:—The floor of the House to be appropriated for the accommodation of the ladies, members and balance of the procession, which is to be in the following order:

Music.

Tuscaloosa guards.

Masonic societies in dress.

Citizens generally, two and two.

Judges of the circuit and county courts.

Clerks and Sheriffs.

Judges of the supreme court and clerks.

Faculty of the University, preceded by the Students.

Clergy generally.

Doorkeeper and Messenger of the House of Representatives.

Clerk and assistant clerks of the House of Representatives.

Speaker.

Members of the House of Representatives, two and two.

Doorkeeper and messenger of the Senate.

Secretary and assistant Secretary of the Senate.

President.

Senators, two and two.

Secretary of State, Comptroller and Treasurer.

Dr. Manly, chaplain, sustained by two of committee.

Gov. Bagby, sustained by two members of the committee.

Gov. elect, sustained by the committee of arrangements.



The two Houses, with the military, will assemble at the hour of 11 o'clock, and will proceed from the capitol to the residence of the Governor elect, at Col. Donaldson's, when the procession will be formed under the direction of the Marshalls, in conformity with the foregoing programme.

Citizens and strangers are invited to form in procession.

A national salute will be fired in front of the capitol, at sunrise and 12 o'clock, m. on monday.

Generals Dent and Carroll, Marshals of the day,

Signed, J. B. HOGAN,  
M. PHILLIPS,  
J. SPRUELL,  
H. PERKINS,

*Committee on the part of the House.*

D. B. TURNER,  
GEO. REESE,  
W. S. PHILLIPS,  
F. G. McCONNELL,

*Committee on the part of the Senate.*

Ordered, that the House concur in the report.

Mr. Crenshaw offered the following resolution,

*Resolved*, That with the concurrence of the Senate, the two houses will adjourn *sine die*, on Saturday the 18th of December next.

Mr. Perkins moved the following amendment,

*Provided*, the business of the General Assembly shall have been completed.

Mr. Griffin of S. moved to lay the resolution on the table, which was lost.

Yeas 39, nays 46.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Land., Alexander of Low., Armbrister, Burleson, Cain, Cochran, Covington, Davenport, Davis of L., Fletcher, Garland, Gresham, Griffin of J., Griffin of S., Hammond, Heflin, Houston, Jones of Cov., Kennedy, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of J., Mitchell, Morgan, Mundy, Norman, Perkins, Reynolds, Rice, Rushing, Smith of J., Smith of T., Taylor, Troup, Walker of L., Woodward and Young.

Those who voted in the negative are, messrs. Speaker, Allen, Barker, Barron, Bishop, Bradley, Broughton, Crenshaw, Crawford, Davis of B., Erwin, Ford, Gardner, Griffin of M., Haughton, Henslee, Hogan, Hutchinson, James, Jones of Con., Jones of M., Jefferson, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, Moore, Moores, Musgrove, Norris, Norwood, Phillips, Randolph, Rhodes, Rodgers, Scott, Smith of Land., Spruell, Steele, Strode, Stinson, Valiant, Walker of B., Wallace and Wynn.

Benjamin Fitzpatrick, the Governor elect, appeared in the hall of the House of Representatives, and in the presence of both houses of the General Assembly, the Speaker administered to him the oaths to support the Constitution of the United States and also the oath to support the Constitution of the State of Alabama, and the oath faithfully to discharge the duties of his office.

The Senate then withdrew, and the House adjourned until to-morrow 10 o'clock.

TUESDAY, Nov. 23, 1841.

The House met pursuant to adjournment.

Mr. Phillips introduced a bill to amend the law in relation to sheriffs and coroners, which was read and ordered to a second reading.

Accounts were presented by messrs. McLemore, S. McAlpin, Mitchell, and Smith of T., they were severally read and referred to the committee on accounts.

Mr. Wynn introduced general resolutions for the relief of the purchasers of 16th sections, township 4, range 5, in the county of Limestone, which was read and ordered to a second reading.

Mr. Ware introduced a bill to provide for a more effectual organization of the 24th regiment of Alabama militia, which was read and ordered to a second reading.

Mr. Hutchinson presented the petition of sundry citizens of Montgomery county, which was read and ordered to lie on the table.

Mr. Barron presented the petition of the citizens of range 6, township 17, Perry county, which was read and referred to the committee on education.

Mr. Barron presented the petition of David Flecker and others, which was read and referred to the committee on education.

Mr. Griffin of S. presented the petition of sundry citizens of Shelby county, which was read and referred to the committee on propositions and grievances.

On motion of Mr. Rice,

*Resolved*, That a committee of three be appointed to request of his Excellency Benjamin Fitzpatrick, a copy of his inaugural address for publication. Whereupon messrs. Rice, Taylor and Bishop, were appointed said committee.

Mr. Houston introduced a bill for the gradual redemption of the State bonds, which was read and ordered to a second reading.

Mr. Rushing, from the committee on divorce and alimony, to which was referred the bill to reduce the fees of the county clerks in certain cases therein named, reported it without amendment—it was ordered to be engrossed for a third reading. Yeas 64, nays 26.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Bishop, Bradley, Burleson, Cain, Chiles, Cochran, Davenport, Davis of L., Erwin, Fletcher, Ford, Garland, Griffin of J., Griffin of S., Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hunter, Hutchinson, Jones of M., Jefferson, Justice, Kennedy, King, Marchbanks, McAllister, R. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion or J., Mitchell, Moores, Morgan, Mundy, Musgrove, Randolph, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of J., Smith of Laud., Spruell, Steele, Strode, Stinson, Taylor, Troup, Walker of B., Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs. Barron, Broughton, Clemens, Covington, Crenshaw, Crawford, Davis of B., Gardner, Gresham, Hogan, Houston, James, Jones of Con., Jones of Cov., Mason, B. McAlpin, McLemore, Moore, Musgrove, Norman, Norris, Norwood, Phillips, Reynolds, Smith of T., Valliant, Wallace, Ware and Young.

A message from the Senate, by Mr. Clitheral:

*Mr. Speaker*: The Senate has adopted the following resolution—

*Resolved*, That with the concurrence of the House of Representatives, the two houses will go into the election of a judge of the county court of Lowndes county, on to-morrow at 12 o'clock, M., in which the concurrence of the House of Representatives is asked.

Mr. Clemens moved the following amendment: "and a Senator in the

Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay, which was adopted.

Mr. Strode moved to postpone the consideration of it until Thursday next, which was lost.

Mr. Young moved to strike out "12," to insert "3," which was lost.

Mr. Reynolds moved that the resolution lie on the table, which was lost.— Yeas 27, nays 63.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Allen, Armbrister, Cochran, Garland, Griffin of J., Hammond, Hedlin, Hogan, Hunter, James, Jones of M., King, McAllister, B. McAlpin, Morgan, Norman, Randolph, Reynolds, Rice, Smith of J., Steele, Strode, Taylor, Troup, Valliant, Walker of B., Woodward and Yancey.

Those who voted in the negative are messrs. Speaker, Alexander of Loud., Alexander of Low., Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Chiles, Clemens, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Harris, Haughton, Henry, Henslee, Hutchinson, Jones of Con., Jones of Cov., Jefferson, Justice, Kennedy, Marchbanks, Mason, S. McAlpin, McLemore, McLeod, Mcmillion of B., Mitchell, Moores, Mundy, Musgrove, Norman, Norris, Phillips, Rhodes, Rodgers, Rushing, Scott, Smith of Loud., Smith of T., Spruell, Storrs, Stinson, Walker of Law., Wallace, Ware, Winston, Wynn and Young.

The resolution as amended was then adopted.

Ordered, that the clerk acquaint the Senate therewith.

Mr. Griffin of S. made the following report:

The committee on enrolled bills, have examined and found correctly enrolled, bills which originated in the House of Representatives, of the following titles, to-wit:

An act to declare Bear creek a public highway.

An act to provide for the election of a tax collector for the county of Marshall.

An act authorizing the commissioners court of roads and revenue, to establish ferries on the Alabama river in the county of Wilcox.

Also, a joint memorial and resolutions to the Congress of the United States, in relation to the lands lying in Jackson county, south of the Tennessee river.

On motion of Mr. Young,

*Resolved*, That the committee on education be instructed to request the Tuscaloosa Lyceum to invite Professor Brumby to deliver his lecture on geology, on Thursday evening, instead of Wednesday evening, in the hall of the House of Representatives.

Mr. Rushing, from the committee on divorce and alimony, to which was referred the record for divorce in the case of Eveline M. Whetstone from her husband Evans L. Whetstone, reported a bill to divorce Eveline M. Whetstone from her husband Evans L. Whetstone, which was read and ordered to a second reading.

The same committee, to which was referred the record of divorce in the case of Simeon Wheeler vs. Catherine Wheeler, reported a bill to divorce Simeon Wheeler from his wife Catharine Wheeler, which was read and ordered to a second reading.

The same committee, to which was referred the record for divorce in the



case of John Farley vs. Mary Farley, reported a bill to divorce John Farley from Mary Farley, which was read and ordered to a second reading.

The same committee, to which was referred the record for divorce in the case of Kemion J. W. Gaylord vs. Mary Ann Gaylord, reported a bill to divorce Kemion J. W. Gaylord from his wife Mary Ann Gaylord, which was read and ordered to a second reading.

The same committee, to which was referred the record of divorce in the case of Eliza Essman vs. Benjamin Essman, reported a bill to divorce Eliza Essman from her husband Benjamin Essman, which was read and ordered to a second reading.

Mr. Fletcher, from the select committee to which was referred the petition of sundry citizens of Marshall county, reported the same as inexpedient, in which report the House concurred.

Mr. McLeod, from the select committee to which was referred the petition of Thomas M. Harris and others, reported the same as inexpedient, in which report the House concurred.

The question recurred on Mr. Perkins amendment to Mr. Crenshaw's resolution, proposing to adjourn on the 18th of December, and lost.

Mr. Rice moved to postpone the further consideration of the resolution to the 17th day of December, which was carried. Yeas 54, nays 42.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Loud., Allen, Armbrister, Burleson, Clemens, Cochran, Covington, Davis of L., Erwin, Fletcher, Garland, Gresham, Griffin of J., Hammond, Harris, Haughton, Heflin, Henry, Hogan, Houston, Hunter, James, Jones of Cov., Jefferson, Justice, Kennedy, King, Marchbanks, McAllister, B. McAlpin, R. McAlpin, McLeod, McMillion of J., Morgan, Mundy, Norman, Perkins, Phillips, Reynolds, Rice, Rodgers, Rushing, Smith of J., Smith of T., Strode, Taylor, Troup, Valliant, Walker of B., Walker of L., Woodward and Yancey.

Those who voted in the negative are, messrs. Alexander of Low., Barker, Barron, Bishop, Bradley, Broughton, Cain, Chiles, Crenshaw, Crawford, Davenport, Davis of B., Ford, Gardner, Griffin of M., Henslee, Hutchinson, Jones of Con., Jones of M., Jemison, Kidd, S. McAlpin, McLemore, McMillion of B., Mitchell, Moore, Moores, Musgrove, Norris, Norwood, Randolph, Rhodes, Scott, Smith of L., Spruell, Storrs, Stinson, Wallace, Ware, Winston, Wynn and Young.

A message from the Senate, by Mr. Clitherrall.

Mr. Speaker: I am instructed to inform your honorable body that the Senate refuses to concur in the amendment made by the House of Representatives, proposing to go into the election of a Senator to the United States Congress, on to-morrow.

On motion of Mr. Walker of B.

*Resolved*, That the chairman of the committee on the State Bank, be instructed to call on the President and commissioners, or either of them, of the branch bank at Decatur, and the directors of said branch bank to furnish to this house the names of such members of the Legislature, that have made propositions to the Board at Decatur, to give them liberal support at subsequent elections for directors, and to use their influence and exertions to maintain the bank in its present location.

Mr. Speaker laid before the House, the report of the commissioners for superintending the building of the penitentiary.



Ordered that said report lie on the table, and that 100 copies be printed, which was carried.

Mr. Clemens moved that the House adhere to their amendment made to the resolution proposing to elect a judge of the county court of Lowndes county.

Ordered, that the clerk acquaint the Senate therewith.

On motion of Mr. Young,

*Resolved*, That the Secretary of State be required to lay before the House of Representatives, the Executive Journal relating to and embracing the applications for and *pardons* granted to persons convicted under the law against carrying secret weapons.

On motion of Mr. McLemore,

*Resolved*, That this House will hold evening sessions from and after the 24th instant.

On motion of Mr. Hutchinson,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of allowing sheriffs who may have process or *fi. fas.* returnable to the courts of counties, other than where service or levy is made, to make return of the same by mail or deposite in the postoffice, with the certificate of the postmaster, and that they inquire into the expediency of requiring auctioneers to pay a tax and give bond for discharging of duties, or to abolish the monopoly as now existing altogether.

A message from the Senate by Mr. Clitherall :

Mr. Speaker : The Senate recede from their disagreement to the amendment of the House of Representatives, to the resolution proposing to go into the election of judge of the county court of Lowndes county.

Mr. Cochran offered the following resolution,

*Resolved*, That the committee on the State bank and branches, be instructed to report a bill to this house, providing for the gradual winding up of said State bank and branches, so as to effect a close of all said banks at the earliest day compatible with the interest of the State.

The question was on Mr. Kennedy's motion to reconsider the vote ordering the bill for recovering and repairing the State capitol, and carried. Yeas 60, nays 37.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Bishop, Broughton, Cain, Cochran, Crenshaw, Crawford, Davis of B., Davis of L., Fletcher, Ford, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Heflin, Henry, Henslee, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Jefferson, Justice, Kennedy, Kidd, King, Mason, McAllister, B. M'Alpin, R. McAlpin, McLeod, Moore, Morgan, Mundy, Norman, Norris, Norwood, Phillips, Reynolds, Rice, Rhodes, Rodgers, Scott, Smith of Laud., Steele, Storrs, Stinson, Troup, Walker of B., Walker of Law., Ware, Winston and Yancey.

Those who voted in the negative are, messrs. Speaker, Barron, Bradley, Burleson, Chiles, Clemens, Covington, Davenport, Erwin, Gardner, Garland, Griffin of J., Haughton, Hogan, Houston, Jones of M., Jemison, Marchbanks, S. McAlpin, McMillion of B., McMillion of J., Mitchell, Moores, Musgrove, Perkins, Randolph, Rushing, Smith of J., Smith of T., Spruell, Strode, Taylor, Valliant, Wallace, Woodward, Wynn and Young.

Mr. Rice then moved that the further consideration of the bill be postponed until the 18th of December next, which was carried. Yeas 60, nays 38.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud., Alexander of Low., Allen, Armbrister, Bishop, Broughton, Clemens, Cochran, Crenshaw, Crawford, Davis of B., Davis of L., Fletcher, Ford, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haugton, Heflin, Henry, Henslee, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Jefferson, Justice, Kennedy, Kidd, King, Mason, McAllister, B. McAlpin, M'Leod, Moore, Morgan, Mundy, Musgrove, Norman, Norwood, Norris, Phillips, Rice, Rhodes, Rodgers, Scott, Smith of Laud., Steele, Storrs, Stinson, Troup, Walker of B., Ware, Winston and Yancey.

Those who voted in the negative are, messrs. Speaker, Barker, Barron, Burleson, Cain, Chiles, Covington, Davenport, Erwin, Gardner, Hogan, Houston, Jones of M. Jemison, Marchbanks, R. McAlpin, S. McAlpin, McLemore, McMillion of B. McMillion of J. Mitchell, Moors, Perkins, Randolph, Reynolds, Rushing, Smith of J. Smith of T. Spruell, Strode, Taylor, Valiant, Walker of L. Wallace, Woodward, Wynn and Young.

Mr Taylor moved to adjourn until 10 o'clock to-morrow morning, which was carried.

WEDNESDAY, Nov. 21, 1841.

The House met pursuant to adjournment.

Mr Moore introduced a bill the better to insure the working of roads in the county of Baldwin, which was read and ordered to a 2d reading.

Mr McMillion of B. presented the petition of sundry citizens of Blount county which was read and referred to the delegation of Blount county.

Mr Crenshaw presented the petition of sundry citizens of Butler county which was read and referred to the delegation of Butler county,

Mr Young presented the petition of sundry citizens of Greene county, which was read and referred to the delegation of Greene county.

Mr Walker of L. presented an account which was read and referred to the committee on military affairs.

Mr Spruell introduced a bill to divorce Sally Raiford from her husband Matthew Raiford, which was read the 1st and 2d time forthwith and referred to the committee on divorce and alimony,

Mr Heflin introduced a bill to authorize the clerk of the circuit court of Randolph county to record in his office, all deeds of conveyance acknowledged or proven before him, which was read and ordered to a 2d reading.

Mr Speaker laid before the House the record for divorce in the case of Elizabeth Lankford vs. Joseph N. Lankford, which was read and referred to the committee on divorce and alimony.

Mr Chiles presented the petition of sundry citizens of Greene county, which was read and referred to the delegation of Greene county.

A message from the Senate by Mr Clitherall.

Mr Speaker; the Senate has passed the joint memorial to the Congress of the United States on the subject of establishing an armory at the great falls of the Tallapoosa river.

The Senate has also passed the bill to incorporate the town of Vienna in the county of Pickens in which they ask the concurrence of the House of Representatives.

A message from the Governor by Mr Garrett.

Mr Speaker; the Governor did on yesterday approve bills of the following titles.

An act to authorize Allen Wooley to erect a gate across a certain public road therein named.

An act to establish a warehouse for the inspection of tobacco at Decatur in this State.

An act to amend the laws for assessing and collecting the taxes in the county of Butler and for other purposes.

An act altering the mode of assessing and collecting the tax of Pike county.

An act to authorize the circuit court of Butler county to remain in session two weeks at its march term 1842.

An act to ascertain and fix a suitable site for the permanent location of the courthouse in Covington county and for other purposes.

An act to change the time of holding the winter term of the county court of Butler county.

An act to change the time of appointing tobacco inspectors for the county of Lauderdale, and.

An act to incorporate the town of Warrenton in the county of Marshall, all of which originated in this House.

Mr Hogan made the following report,

The committee on the State bank and branches to whom was referred a resolution in the following words viz.

*Resolved*, 'That the chairman of the committee on the State bank and branches, be instructed to call on the president or commissioners, or either of them of the branch bank at Decatur or the directors of said branch bank to furnish to this House the names of such members of the Legislature, that have made propositions to the board of directors to give them a liberal support at subsequent elections for directors, and to use their influence and exertions to maintain the bank in its present location, have had the same under consideration and have directed me to report that they invited the president of said bank, and one of the commissioners now in this city to appear before the committee and answer in writing, which answers are herewith enclosed, and beg to be discharged from the further consideration thereof.

Mr Jamison moved the following preamble and resolution.

Whereas, charges have been officially made in the report of the commissioners appointed to examine the branch of the bank of the State of Alabama at Decatur against members of the Legislature of attempting improperly to tamper with the directors of said bank; And whereas the names of the members alluded to, have been officially reported to this House, and in the remarks by Honorable members on this floor, they have made grave and serious charges, of favoritism and corruption against the directors of said bank.

*Resolved therefore*, 'That the whole subject be referred to a select committee.

*Resolved*, That said committee have power to send for persons and papers or take testimony by deposition or otherwise, in all cases giving reasonable notice of testimony intended to be taken and a fair opportunity of cross examination which was adopted.

On motion of Mr Clemens,

*Resolved*, That the Senate be now invited into the Hall of the House of Representatives to go into the election of a judge of the county court of Lowndes county, and a Senator to the Congress of the United States.

Ordered that the clerk acquaint the Senate therewith.

The Senate repaired to the Hall, when the two Houses proceeded to the election of a judge of the county court for Lowndes county.

Messrs A. J. McGehee, J. Mushat, R. H. Stanley, W. B. Johnson and T. M. Williams, being in nomination.

Those who voted for mr McGehee are, messrs Alston, Address, Buford, Clarke, Dent, Foster, Hudson, Hunter, King, Lea, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and messrs Barker, Barron, Bradley, Broughton, Chiles, Covington, Crenshaw, Davis of B. Erwin, Gardner, Gresham, Griffin of S. Harris, Henry, Hutchinson, Jones of Cov. Jefferson, R. McAlpin, S. McAlpin, mason, McLemore, Mitchell, Mundy, Norris, Perkins, Rhodes, Rushing, Smith of H. Smith of T. Spruell, Steele, Stinson, Taylor, Walker of B. Wallace, Ware and Young, of the House.—55.

Those who voted for mr Mushat are, messrs Baylor, Brindley, Creagh, McAlister, McConnell and Wilson, of J. of the Senate; and messrs Griffin of J. Griffin of m. Hogan, Hunter, James, Justice, King, McAlister, McMillion of B. Moore, Morgan, Musgrove, Rushing, Scott, Winston and Yancey.—22.

Those who voted for mr Stanley are, messrs McClanahan and Rodgers, of the Senate.—2.

Those who voted for mr Johnson are, messrs President, Turner and Wilson of F. of the Senate; and messrs Speaker, Armbrister, Bishop, Fletcher, Haughton, Heflin, Jones of m. Marchbanks, Phillips, Randolph, Reynolds, Smith of J. Storrs, Valliant, Walker of L. and Wynn, of the House.—19.

Those who voted for mr Williams are, messrs Jones, Reese and Toulmin, of the Senate; and messrs Alexander of Lauderdale Alexander of Lowndes, Allen, Burleson, Cain, Clemens, Cochran, Davenport, Davis of Bibb, Garland, Hammond, Henslee, Houston, Jones of Covington, Kennedy, Kidd, B. McAlpin, McLeod, McMillion of J. Moore, Norman, Norwood, Rice, Rodgers, Smith of L. Strode, Troup and Woodward, of the House.—31.

Neither having received a majority, the two Houses proceeded to ballot a second time, the name of Stanley having been withdrawn.

Those who voted for mr McGehee are, messrs Address, Clarke, Creagh, Dent, Hudson, Hunter, King, Lea, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and messrs Barker, Bradley, Barron, Broughton, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Garland, Griffin of m. Griffin of S. Harris, Henry, Hutchinson, Jones of Cov. Jefferson, Jemison, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Mundy Norris, Norwood, Rhodes, Scott, Smith of T. Spruell, Storrs, Stinson, Walker of B. Wallace, Ware and Young.—55.

Those who voted for mr Mushat are, messrs Baylor, Brindley, McClanahan, McConnell and Rodgers, of the Senate; and messrs Hogan, Hunter, Justice, McAlister, McMillion of B. McMillion of J. Morgan, Musgrove, Randolph, Smith of H. Walker of L. Winston and Yancey, of the House.—18.

Those who voted for mr Johnson are, messrs President and McAlister of the Senate; and messrs Speaker, Armbrister, Bishop, Fletcher, Haughton, Heflin, Jones of m. Marchbanks, Reynolds, Smith of J. and Wynn of the House.—13.

Those voted for mr Williams are, messrs Buford, Foster, Jones, Reese, Toulmin, Turner and Wilson of J. of the Senate; and messrs Alexander of Lauderdale, Alexander of Lowndes, Allen, Burleson, Cain, Clemens, Cochran,

Davis of L. Gresham, Griffin of J. Hammond, Henslee, Houston, James, Jones of Cov. Kennedy, Kidd, King, B. McAlpin, McLeod, Moore, Norman, Phillips, Rice, Rhodes, Rushing, Smith of L. Steele, Strode, Taylor, Troup, Valliant and Woodward.—40.

Neither having received a majority, the two Houses proceeded to ballot a third time, the name of Mr Mushat being withdrawn.

Those who voted for Mr Johnson are, messrs Speaker and Wynn, of the House of Representatives.—2.

Those who voted for Mr McGehee are, messrs Alston, Address, Clarke, Creagh, Dent, Hudson, Hunter, King, Lea, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and messrs Barker, Barron, Bradley, Broughton, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Gresham, Griffin of m. Griffin of S. Harris, Henry, Hutchinson, Jones of Con. Jefferson, Jemison, Justice, Mason, R. C. McAlpin, S. McAlpin, McLemore, Mitchell Moore, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T. Spriuell, Storrs, Stinson, Walker of B. Wallace, Ware and Young.—59.

Those who voted for Mr Williams are, messrs President, Baylor, Brindley, Buford, Foster, Jones, McAlister, McClanahan, McConnell, Reese, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; and messrs Alexander of Laud. Alexander of Lowndes, Armbrister, Bishop, Burleson, Cain, Clemens, Cochran, Davis of B. Fletcher, Garland, Griffin of J. Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, Jones of Cov. James, Jones, of m. Kennedy, Kidd, King, Marchbanks, B. McAlpin, McAlister, McLeod, McMillion of B. McMillion of J. Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H. Smith of J. Smith of L. Steele, Strode, Taylor, Troup, Valliant, Walker, Winston, Woodward and Yancey.—68.

Mr Williams having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Lowndes county, for the time prescribed by law.

The two houses next proceeded to the election of a Senator to the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay.

Messrs. A. P. BAGBY, DAVID HUBBARD, DAVID MOORE and JACK SHACKELFORD, being in nomination.

Those who voted for Mr. Bagby are, messrs. President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Reese, Toulmin, Turner and Wilson of F. of the Senate; messrs. Alexander of Laud., Allen, Bishop, Burleson, Cochran, Garland, Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of m., Justice, Kennedy, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of H., Smith of L., Smith of T., Steele, Strode, Taylor, Walker of B., Winston, Woodward, Wynn and Yancey, of the House.—59.

Those who voted for Mr. Hubbard are, messrs. McClanahan, Rodgers and Wilson of J. of the Senate; messrs. Davis of L. and Valliant, of the House of Representatives.—5.

Those who voted for Mr. Shackelford are, messrs. Barker, Crenshaw, Rice and Walker of L. of the House.—4.

Those who voted for Mr. Moore are, messrs. Alston, Address, Buford, Hunter, Dent, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and messrs. Alexander of Low., Armbrister, Barron, Bradley, Broughton, Cain, Chiles, Clemens, Covington, Crawford, Davenport, Davis of B., Erwin, Fletcher, Gardner, Gresham, Griffin of J., Griffin of M., Griffin of S., Harris, Henry, Hutchinson, Jones of Con., Jefferson, Jemison, Kidd, King, Mason, R. McAlpin, S. McAlpin, McLeMore, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of J., Spruell, Storrs, Stinson, Troup, Wallace, Ware and Young, of the House.—60.

Neither gentleman having received a majority of the whole number of votes cast, the two houses proceeded to ballot again.

Those who voted for Mr. Bagby are, messrs. President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McConnell, McVay, Reese, Toulmin, Turner, Wilson of F. and Wilson of J., of the Senate; and messrs. Alexander of Laud., Alexander of Low., Allen, Bishop, Burleson, Cochran, Fletcher, Garland, Griffin of J., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Justice, Kennedy, King, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of H., Smith of L., Smith of T., Steele, Strode, Taylor, Troup, Walker of B., Winston, Woodward, Wynn and Yancey, of the House.—66.

Mr. Walker of L. voted for Mr. Shackelford.

Those who voted for Mr. Hubbard are, messrs. Rodgers of the Senate; and messrs. Davis of J. and Valliant, of the House.—3.

Those who voted for Mr. Moore are, messrs. Alston, Address, Buford, Dent, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and messrs. Armbrister, Barker, Barron, Bradley, Broughton, Cain, Chiles, Clemens, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Harris, Henry, Hutchinson, Jones of Con., Jefferson, Jemison, Kidd, Mason, R. McAlpin, S. McAlpin, McLeMore, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Rice, Rhodes, Scott, Smith of J., Spruell, Storrs, Stinson, Wallace, Ware and Young, of the House.—59.

Mr. Bagby having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Senator, to fill the vacancy of the Hon. C. C. Clay, resigned.

And then the Senate withdrew.

Mr. McLeod moved that the House adjourn till to-morrow morning 10 o'clock, which was carried. Yeas 50, Nays 43.

Those who voted in the affirmative are messrs. Alexander of Laud., Alexander of Low., Allen, Barker, Broughton, Burleson, Cochran, Covington, Davenport, Davis of B., Davis of L., Fletcher, Garland, Griffin of S., Hammond, Heflin, Henry, Henslee, Hogan, Houston, Hutchinson, James, Jones of Cov., Jemison, Justice, Kennedy, Kidd, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of J., Mitchell, Morgan, Mundy, Musgrove, Norris, Perkins, Phillips, Reynolds, Rushings, Smith of H., Smith of L., Smith of Tusk, Steele, Taylor, Strode, Walker of B., Walker of Law, Woodward, Wynn and Young.

Those who voted in the negative are messrs. Armbrister, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Crawford, Erwin, Ford, Gardner, Broughton, Cain, Chiles, Clemens, Crenshaw, Crawford, Erwin, Ford, Gardner,



Jones of M. Jefferson, King, Mason, B. McAlpin, S. McAlpin, McLemore, McMillion of B. Moore, Moores, Norman, Norwood, Randolph, Rice, Rhodes, Rodgers, Smith of J. Storrs, Stinson, Troup, Valliant, Walker. Ware and Yancey.

And then the House adjourned.

THURSDAY, Nov. 25, 1841.

The House met pursuant to adjournment.

A message from the Senate by Mr Clitherall.

Mr Speaker; the Senate has passed the bill to prohibit free negroes and persons of color from entering into and remaining in this State, and have amended the same as therein shewn.

They have also passed a bill which originated in the Senate, to reduce or increase the width of lanes, in which they ask the concurrence of the House of Representatives.

Accounts were presented by messrs. McLemore, Mitchell and Smith of T. they were severally read and referred to the committee on accounts.

Mr Yancey introduced a bill to provide for the payment of the commissioners of the penitentiary, which was read and ordered to a 2d reading.

Mr Norwood presented the petition of sundry citizens of Dallas county, which was read and referred to the judiciary committee.

Mr Norwood introduced a preamble and joint resolutions upon the laws regulating postage which was read and adopted.

Ordered that the same be sent to the Senate for their concurrence.

Mr Chiles presented the petition of Samuel E. Johnston, which was read and referred to the military committee.

Mr Armbrister presented the petition of sundry citizens of Jackson county, which was read and referred to the committee on propositions and grievances.

Mr Davenport presented the memorial of John Buntin and wife, which was read and ordered to lie on the table.

Mr. Davenport introduced a bill for the relief of John Buntin and Mary Ann his wife, which was read the first and second times forthwith.

The question was, shall it be engrossed and read the third time? and it was decided in the negative—yeas 21, nays 66.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Bradley, Chiles, Covington, Crenshaw, Davenport, Griffin of S., Hogan, Hutchinson, Jones of Con., Kidd, B. McAlpin, Moores, Mundy, Norwood, Reynolds, Rhodes, Rodgers, Rushing, Strode, Ware and Young.

Those who voted in the negative are, messrs. Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Burleson, Cain, Clemens, Cochran, Crawford, Davis of B., Davis of L., Fletcher, Ford, Gardner, Garland, Griffin of J., Griffin of M., Hammond, Harris, Haughton, Heflin, Henslee, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Jamison, Justice, Kennedy, King, Marchbanks, Mason, McAllister, R. McAlpin, S. McAlpin, McLeod, McMillion of B., Mitchell, Morgan, Musgrove, Norman, Perkins, Phillips, Randolph, Rice, Smith of J., Smith of Laud., Smith of T., Spruell, Steele, Storrs, Stinson, Troup, Valliant, Walker of B., Walker of L., Wallace, Winston, Woodward, Wynn and Yancey.

Mr. Moores introduced a bill to require the clerks of the circuit and county courts of Marengo county, to make and keep a reversed index in all causes decided in their respective courts, and for other purposes, which was read and ordered to a second reading.



Mr. Moores introduced a bill to provide for the publication of the laws and journals, and for other purposes, which was read and ordered to a second reading.

Mr. Griffin of M. introduced a bill to authorize the appointment of overseers to work a certain road therein named, which was read and ordered to a second reading.

Mr. B. McAlpin introduced a bill to define the fees of the judge of the county court of Mobile county, which was read and ordered to a second reading.

Mr. Hutchinson, introduced a bill to regulate the proceedings of the circuit court of *Montgomery* county, and for other purposes, which was read the first and second time forthwith and ordered to be engrossed for a third reading.

Mr. Hutchinson introduced a bill for the relief of James M. Goodwin, which was read and ordered to a second reading.

Mr. Griffin of S. introduced a bill to authorize William N. Thompson and his associates, to build mills on the Coosa river, which was read and ordered to a second reading.

Mr. Hammond introduced a bill to repeal in part an act now in force, confining the collection of debts before a justice of the peace, in the beat where the defendant resides and where the contract was made, which was read and ordered to a second reading.

Mr. Harris introduced a bill to appoint an additional courthouse commissioner for the county of Russell, and for other purposes, which was read and ordered to a second reading.

Mr. Harris introduced a bill to incorporate the town of Crockettville, in the county of Russell; which was read, and ordered to a second reading.

Mr. Clemens introduced a bill to authorize the plaintiff in any action of trespass to try title, to give testimony in certain cases; which was read, and ordered to a second reading.

Mr. Musgrove presented the petition of sundry citizens of Blount county; which was read, and referred to the committee on propositions and grievances.

Ordered that messrs Broughton, Taylor, Norris and Scott have leave of absence for a few days.

Mr. Speaker laid before the House a communication from the secretary of State.

The said communication and accompanying document was referred to the committee on the penitentiary code.

On motion of Mr. Jones—

*Resolved*, That the committee on the State bank and branches, be instructed to make special report of the condition of said bank and branches.

A message from the Governor by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, 25th November, 1841. }

*To the Speaker of the House of Representatives:*

SIR—I have the honor to lay before your honorable body the accompanying petition of the citizens of Franklin county.

Signed, BEN FITZPATRICK.

Ordered that said petition be referred to the committee on education.

mr Young made the following report :

The committee on education, which were instructed by a resolution of the House of Representatives to request the Tuscaloosa Lyceum to invite professor Brunby to deliver his lecture on geology in the hall of the House of Representatives, have performed that pleasing duty; and now report, that in compliance with the wishes of the House of Representatives, the lecture will be delivered on Thursday evening in this hall.

Ordered that said report lie on the table.

mr Walker of B. from the judiciary committee, to which was referred the petition of Wm. L. Lyell, reported that it is inexpedient to grant the prayer of the petitioner.

Ordered that said report lie on the table.

The same committee, to which was referred the petition of divers citizens of Marengo county, praying the passage of a law to increase the fees of constables, reported that it is inexpedient; in which report the House concurred.

The same committee, to which was referred a resolution instructing them to inquire into the expediency of making such amendments to the criminal code as may meet the just expectations of the people of this State, reported the same without action, and ask that the resolution may be referred to the select committee on the penitentiary code; and ask to be discharged from the further consideration of the subject.

The committee were discharged, and the resolution referred to the committee on the penitentiary code.

On motion of mr B. McAlpin--

*Resolved*, That the committee upon the penal code be instructed to inquire as early as practicable, into the expediency of repealing the 14th chapter of the penal code, or a portion of the same.

mr McAlister, from the military committee, to which was referred the petition of sundry officers of the 13th brigade and 5th division of Alabama militia, reported a bill to abolish brigade encampment drills in the 13th brigade and 5th division; which was read, and ordered to a second reading.

mr Erwin, from the select committee to which was referred the petition of sundry citizens of Alabama, reported a bill for better regulating the management of steamboats on the navigable waters of this State; which was read, and ordered to a second reading.

mr Rushing, from the committee on divorce and alimony, to which was referred the record for divorce in the case of Nancy P. Morrow from James Morrow, reported a bill to divorce Nancy P. Morrow from James Morrow; which was read, and ordered to a reading.

The same committee, to which was referred the record for divorce in the case of Martha Ann Ball from Fessender Ball, reported a bill to divorce Martha Ann Ball from Fessender Ball; which was read, and ordered to a second reading.

mr Mitchell made the following report:

The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit:

An act to regulate judicial proceedings in the county court of Mobile county;

An act to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall, and for other purposes.

Mr B. McAlpin made the following report:

The committee upon privileges and elections, to whom was referred a resolution to inquire whether the returns for the election of Governor have been made according to law, have had the same under consideration, and have instructed me to report:

That from an examination of the returns found in the office of Secretary of State, we find the returns of votes for Governor directed some to the Speaker of the House of Representatives, to the Governor, and to the Secretary of State, and from several counties, no returns whatever; showing, not only great carelessness in the different sheriffs, but a total disregard to the law. The committee report joint resolutions in relation to elections.

Which was read, and ordered to a second reading.

On motion of Mr Walker of B.:

*Resolved*, That the doorkeeper be instructed to purchase and furnish each standing committee of this House one copy of the supplement to Aikin's Alabama Digest.

Mr Winston, from the select committee to which was referred the memorial from the Senate in relation to a land district in the Cherokee part of Alabama, reported an amendment; which was adopted.

The memorial, as amended, was adopted.

Ordered that the clerk acquaint the Senate therewith.

Ordered that the House concur in the amendment made by the Senate to the bill to prohibit free negroes and persons of color from entering into and remaining in this State.

Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to reduce or increase the width of lanes, was read, and ordered to a second reading.

The bill to establish a bank at \_\_\_\_\_ and for other purposes, was read the second time, and referred to a select committee.

Whereupon, messrs Ware, Moores and Hunter were appointed said committee.

Mr Cochran's resolution, introduced on the 23d instant, being under consideration,

The House adjourned until to-morrow morning 10 o'clock.

FRIDAY November 26, 1841.

The House met pursuant to adjournment.

Messrs Mundy and Spruell presented accounts. They were severally read, and referred to the committee on accounts.

Mr Bradley introduced a bill to revive an act entitled an act to incorporate Union Town, in the county of Perry; which was read, and ordered to a second reading.

Mr Gresham introduced a bill to restrain excessive taxation for county purposes in the county of Tallapoosa; which was read, and ordered to a second reading.

Mr Speaker laid before the House the record for divorce in the case of Maria B. Booth against George W. Booth; which was read, and referred to the committee on divorce and alimony.

Ordered that messrs Marchbanks, Gresham, Griffin of S. Cain and Yancey have leave of absence for a few days.

mr Rushing, from the committee on divorce and alimony, to which was referred the record for divorce in the case of Elizabeth Steelman against William Steelman, reported a bill to divorce Elizabeth Steelman from William Steelman; which was read, and ordered to a second reading.

The same committee, to which was referred the record for divorce in the case of Eliza Riggs against Hugh H. Riggs, reported a bill to divorce Eliza Riggs from Hugh H. Riggs; which was read, and ordered to a second reading.

mr Mitchell made the following report:

The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to wit:

An act to amend an act the more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, approved February 2, 1829;

A joint memorial to the Congress of the United States on the subject of establishing an armory at the Great Falls of the Tallapoosa river.

mr Cochran's resolution to wind up the banks, was under consideration.

mr Reynolds moved to amend by inserting the words, "&c., otherwise"; which mr Cochran accepted as an amendment.

mr Cochran then asked leave to withdraw the resolution; which was granted.

mr Cochran then offered the following resolution:

*Resolved*, That the committee on the State bank and branches be instructed forthwith to report a bill to this House providing for the gradual winding up of said bank and branches, at as an early a day as is compatible with the interest of the State.

mr Jemison, who voted in the majority to suspend the orders of the day to enable mr Cochran to introduce his resolution, moved to reconsider the vote; which was lost.

The House then proceeded to the orders of the day.

The House took up for consideration the resolution offered by mr Jemison, on the subject of the State bank and branches.

mr Smith of Laud. moved that it lie on the table; which was lost.

mr Jemison moved to refer it to a select committee, with instructions to report by bill or otherwise; which was carried.

Whereupon, messrs Jemison, McAlpin of G. and Cochran were appointed said committee.

The engrossed bill to extend the jurisdiction of justices of the peace in certain cases, was read the third time and passed. Ayes 59, Nays 12.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud. Allen, Arnbrister, Barker, Bishop, Burleson, Chiles, Clemens, Cochran, Crawford, Davenport, Davis of L. Erwin, Fletcher, Ford, Garland, Griffin of J. Griffin of M. Haughton, Heflin, Henslee, Houston, Hunter, James, Jones of M. Jefferson, Justice, Kennedy, King, Mason, McAlister, McLeod, McMillion of B. McMillion of J. Morgan, Mundy, Musgrove, Norwood, Phillips, Randolph, Rhodes, Rodgers, Rushing, Smith of J. Smith of Laud. Spruell, Steele, Storrs, Stinson, Troup, Valliant, Walker of B. Walker of Law. Wallace, Ware, Winston, Woodward and Wynn.

Those who voted in the negative were, messrs Alexander of Low. Barron, Covington, Davis of B. Gresham, Hammond, Harris, Hutchinson, Jones of Con. Jones of Cov. Jemison and Kidd.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The engrossed bill to reduce the fees of the county court clerks in certain cases therein named, was read the third time.

Mr Erwin moved to amend it by way of the following engrossed rider:

Sec. 2. *And be it further enacted*, that no bond or security shall hereafter be required of any person applying for marriage license.

Which was lost.

The bill passed. Yeas 54, nays 31.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Bishop, Barleson, Chiles, Davenport, Davis of L. Fletcher, Garland, Griffin of J. Griffin of M. Hammond. Haughton, Heflin, Henslee, Hunter, Hutchinson, James, Jones of M. Jefferson, Justice, Kennedy, King, McAlister, B. McAlpin, R. McAlpin, McLemore, McLeod, McMillion of B. McMillion of J. Moores, Morgan, Musgrove, Randolph, Rice, Rhodes, Rogers, Rushing, Smith of J. Smith of L. Spruell, Steele, Stinson, Troup, Walker of B. Walker of Law. Wallace, Winston, Woodward and Wynn.

Those who voted in the negative are, messrs Barron, Cochran, Covington, Crawford Davis of B. Erwin, Ford, Gardner, Gresham, Hogan, Houston, Jones of Con. Jones of Cov. Jemison, Kidd, Mason, S. McAlpin, Mitchell, Moore, Mundy, Norman, Norwood, Perkins, Phillips, Reynolds, Smith of T. Storrs, Strode, Valliant, Ware and Young.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The engrossed bill to alter and amend the laws of this State in relation to the collection of claims against steamboats and other water crafts navigating the waters of Alabama, was referred to a select committee.

Whereupon, messrs R. McAlpin, B. McAlpin and Smith of T. were appointed said committee.

Engrossed bills of the following titles, to wit:

An act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes; and

An act for the better securing mechanics in the city and county of mobile;

Were severally read the third time and passed.

Ordered that their titles be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill from the Senate to amend and explain an act for the relief of Elizabeth Morris, approved 9th January, 1836, was read the second time.

Mr. Walker of L. moved to refer the bill to the judiciary committee, which was carried.

The House adjourned until to-morrow morning 10 o'clock.

SATURDAY, Nov. 27, 1841.

The House met pursuant to adjournment.

Mr. Musgrove presented the petition of sundry citizens of Blount county, which was read and referred to the committee on roads, bridges and ferries.

Mr. Phillips introduced a bill to incorporate the town of Lafayette in the county of Chambers, which was read and ordered to a second reading.

Mr. Barker introduced a bill for the relief of certain debtors to the bank of the State of Alabama and its branches, which was read and ordered to a second reading.

Mr. Wynn presented the report of the commissioners for the improvement of the navigation of Elk river, which was read and ordered to lie on the table.

Mr. Davis of L. presented the petition of sundry citizens of Limestone county, which was read and referred to the delegation of Limestone and Madison county.

Mr. Troup presented the petition of sundry citizens of Morgan county, which was read and referred to the committee on roads, bridges and ferries.

Mr. Wallace presented the petition of citizens of Pickens county, which was read and referred to the judiciary committee.

Mr. Walker of B. made the following report:

The judiciary committee, to whom was referred the bill for the relief of Harriet Hatfield, reported in favor of passing of the original bill, and that it is inexpedient to adopt the several amendments which were introduced by way of engrossed ryders; but if it be the pleasure of the House to adopt the ryders, the committee instruct me to report an amendment in lieu thereof, and recommend its adoption.

It is the deliberate opinion of the committee, that the Legislature should hesitate long before they grant the extraordinary privileges asked in the bill. It should be granted only under peculiar circumstances and strongly authenticated.

Loose and careless legislation on the subject matter of this bill, will in all human probability open the doors of fraud and corruption, which stand too wide open now and ought to be closed as far as possible.

Mr. Rice moved to refer it to a select committee, which was agreed to.

Whereupon, messrs. Rice, McLeod, Henry, Smith of T. and King, were appointed said committee.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker: The Senate concur in the amendment made by the House of Representatives to joint resolutions in relation to a land district in the Cherokee part of Alabama.

They have adopted the preamble and joint resolutions in relation to the laws regulating postage.

Mr. Hogan made the following report:

The committee on the State bank and branches, to whom was referred a resolution on the subject of the sinking fund, have had the same under consideration and have instructed me to report, that they have examined the answers of the Presidents of the different banks of the State, and find the sinking fund to consist of the nett profits of the entire operations of the bank and branches, amounting to two million five hundred and fifty-seven thousand two hundred and sixty-three dollars forty-five cents, (\$2,557,263 45), composed of the following items.

"To the credit sinking fund, bank at Tuscaloosa,			\$168,168 19
ditto	ditto	branch bank at Huntsville,	126,759 80
ditto	ditto	ditto at Decatur,	411,801 38
ditto	ditto	ditto at Montgomery,	436 381 53

ditto

ditto

ditto

at Mobile,

1,411,152 55

82,557,263 45

And ask leave to be discharged from the further consideration thereof.

The report was recommitted to the same committee.

Mr. Hogan, from the select committee to which was referred petitions and bills to incorporate Hook and Ladder Company No. 1, Fire Companies No. 3, 6 and 7—all of the city of Mobile—reported a substitute in lieu thereof, which was adopted. It was ordered to be engrossed for a third reading.

Mr. R. C. McAlpin made the following report :

The select committee, to which was referred the bill to amend the laws relative to the collection of claims against steamboats and other water crafts navigating the waters of Alabama, have had the same under consideration, and have instructed me to report the bill back, with the following amendments, and ask that the same be accepted and passed.

In the fourth line of the first section, strike out the word "writs," and insert "courts." In the fourth line of the second section, after the word "court," insert the words "on the first and third Mondays of each month,"—which was concurred in and the bill passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

On motion of Mr. Houston,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of again levying the State tax for the support of State government, and that they report by bill or otherwise.

Mr. Davis of L. introduced joint resolutions proposing an amendment to the constitution of the State of Alabama, which was read—and the question was to read it a second time and determined in the negative.

On motion of Mr. Stinson,

*Resolved*, That the committee on education be instructed to inquire into the expediency of making an appropriation for the purpose of educating the deaf and dumb, and report by bill or otherwise.

Mr. Hogan offered the following resolution,

*Resolved*, That the clerk of this House be authorized to employ such assistance as will be necessary to complete the business for the remainder of the session.

Mr. Norwood moved that the resolution lie on the table, which was lost.

The question was to adopt it and lost—yeas 43, nays 41.

The yeas and nays being demanded, those who voted in the affirmative are messrs: Speaker, Allen, Armbrister, Chiles, Clemens, Cochran, Covington, Erwin, Gresham, Haughton, Hogan, Houston, Hutchinson, James, Jones of Con., Jones of M., Jamison, Kennedy, McAllister, B. McAlpin, R. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of L., Mitchell, Moore, Morgan, Norman, Perkins, Phillips, Reynolds, Rodgers, Rushing, Smith of H., Smith of L., Smith of T., Strode, Stinson, Troup, Winston, Woodward and Wynn.

Those who voted in the negative are, messrs. Alexander of Laud., Alexander of Low., Barker, Barron, Bishop, Burleson, Crawford, Davenport, Davis of B., Davis of L., Fletcher, Ford, Gardner, Garland, Griffin of J., Griffin of M., Hammond, Harris, Heflin, Henslee, Hunter, Jones of Cov., Jefferson, Justice, Kidd, King, Mason, Moeres, Mundy, Musgrove, Norwood, Randolph, Rice,



Rhodes, Smith of Land., Spruell, Steele, Storrs, Valliant, Walker of B., Walker of Law., Wallace, Ware and Yeang.

Mr. Rice introduced a bill to give power to the commissioners of township 19, range 4, in the Copsa Land District, which was read and ordered to a second reading.

Mr. Hammond offered the following resolution,

*Resolved*, That the judiciary committee be instructed to inquire into the power of the General Assembly to divide the residue of the University fund, and all other funds that are or may be set apart for the education of youth, (to be equally divided amongst the different counties of this State, and applied under a proper direction to the purposes for which said sums were designed; that the poor and the rich may equally receive its blessings and benefits) with leave to report by bill or otherwise.

The House proceeded to the orders of the day.

The bill from the Senate to amend the charters of the banks of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes, was read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to alter the mode of collecting and assessing the taxes in Limestone county, was read the second time and referred to the delegation of Limestone county.

The bill from the Senate to reduce the number and change the mode of electing the directors of the bank of the State of Alabama and its several branches, was read the second time and referred to the committee on the State bank and branches.

Mr. Gresham, who voted in the majority to reject the resolution offered this day by Mr. Hogan, moved to reconsider that vote, which was carried.

The question was to adopt the resolution and carried.

The bill from the Senate concerning suits against executors, administrators, &c. was read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

On motion of Mr. Jennison,

*Resolved*, That the clerk of this House shall, each day, furnish the Speaker with a callendar of the business of the House, in its proper order; and that it shall be disposed of accordingly, unless otherwise directed, when announced from the chair.

And then the House adjourned until Monday morning 10 o'clock.

MONDAY, Nov. 29, 1841.

The House met pursuant to adjournment.

Mr. Crawford introduced a bill more effectually to recover possession of personal property, and for other purposes, which was read and ordered to a second reading.

Mr. Phillips introduced a bill to subject the crop raised on rented premises, to the payment of the rent of the same, which was read and ordered to a second reading.

Messrs. McLemore and Reynolds presented accounts—they were severally read and referred to the committee on accounts.

Mr. Barker presented the petition of citizens of Lawrence and Franklin

counties, which were read and referred to the committee on roads, bridges and ferries.

Mr. Smith of Laud. presented the petition of the officers and members of Florence Lyceum, which was read and referred to the delegation of Lauderdale county.

Mr. Smith of Laud. presented the petition of citizens of Lauderdale county, which was read and referred to the delegation of Lauderdale county.

Mr. Kennedy introduced a bill to amend the 5th clause in Aiken's Digest, under the head of judicial proceedings, which was read and ordered to a second reading.

Mr. Harris presented the petition of citizens of Russell county, which was read and referred to the committee on education.

Mr. Harris introduced a bill to consolidate townships 15 of ranges 30 and 31, in Russell county, which was read and ordered to a second reading.

Mr. Heflin presented the petition of citizens of Randolph county, which was read and referred to the delegation of Randolph, Chambers and Tallapoosa counties.

Mr. Rushing introduced a bill to prevent persons who convey their property clandestinely from this State, from the benefit of an act abolishing imprisonment for debt, which was read and ordered to a second reading.

Mr. Rushing presented the memorial of John Ezelt, which was read and ordered to lie on the table.

Mr. Gresham introduced a bill to incorporate a manufacturing company at the Great Falls on the Tallapoosa river, in the county of Tallapoosa, which was read and ordered to a second reading.

Mr. Cain presented the petition of citizens of Walker county, which was read and referred to the delegation of Fayette and Blount counties.

Mr. Wynn, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Dallas county, reported the same as inexpedient.

Ordered, that said report lie on the table.

The same committee, to which was referred the petition of citizens of Cherokee county, reported the same as inexpedient, in which report the House concurred.

Mr. Walker of B. presented the petition of Araminta D. Stone, which was read and referred to the committee on divorce and alimony.

Mr. Wynn from the committee on roads, bridges and ferries, to which was referred petitions from the counties of Morgan, Blount and Marshall, reported a bill to extend the charter of a turnpike road therein named, which was read and ordered to a second reading.

Mr. Walker of B. from the judiciary committee, to whom was referred the petition of Robert Mosely, reported that an act to authorize guardians to remove the property of their wards in certain cases, approved 23rd December, 1837; also, an act, approved 2d February, 1839, now in force, affords ample relief to the full extent of the prayer of the petitioner—and ask to be discharged from the further consideration of the subject.

Ordered, that said report lie on the table.

Mr. Taylor, from the committee on propositions and grievances, to which was referred the petition of Lorenzo and Pheriba his wife, free persons of color, reported a bill for the relief of Lorenzo and Pheriba his wife, which was read and ordered to a second reading.

Mr. Walker of B. from the judiciary committee, to which was referred the petition of citizens of Dallas county, for the relief of Mary Norris, reported that there is a bill now in progress in this body, that gives to Mary Norris the privileges asked for—and ask leave to be discharged from the further consideration of the subject, which was granted.

Mr. Rushing, from the committee on divorce and alimony, to which was referred the bill to divorce Sally Raiford from her husband Matthew Raiford, reported that they are not authorized to recommend any legislation on the bill, it being contrary to law, and that this House cannot take any action thereon.

Ordered, that said report lie on the table.

Mr. Rice, from the select committee to which was referred the engrossed bill for the relief of Harriet Hatfield, reported an amendment by way of section No. 2, which was adopted.

The bill passed with amendment, by adding the words “and others.”

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr. Rice, from the select committee appointed to wait on his Excellency Benjamin Fitzpatrick and request a copy of his inaugural address for publication, submitted to the House a copy of the inaugural address.

Ordered, that said report lie on the table, and 500 copies of the inaugural address be printed.

A message from the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
Tuskaloosa, Nov. 29, 1841. }

*To the Speaker of the House of Representatives :*

Sir—I have the honor to communicate to your honorable body, the resignation of James E. Belser, Esq., solicitor of the 8th judicial circuit, to take effect after the 5th of December next.

(Signed,)

BENJ. FITZPATRICK.

Ordered, that said communication lie on the table.

The House resumed the consideration of Mr. Hammond's resolution on the subject of the University.

Mr. Norwood moved that the resolution be indefinitely postponed, which was lost—yeas 42, nays 46.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Low, Barron, Chiles, Clemens, Cochran, Covington, Davenport, Davis of B., Erwin, Gresham, Harris, Haughton, Henry Hogan, Houston, Hunter, James, Jones of M., Jemison, B. McAlpin, S. McAlpin, Mitchell, Moore, Moores, Morgan, Norman, Norwood, Perkins, Phillips, Randolph, Smith of L., Smith of T., Steele, Storrs, Strode, Valliant, Walker of B., Wallace, Ware, Woodward, Wynn and Young.

Those who voted in the negative are, messrs. Speaker, Alexander of Laud, Allen, Armbrister, Barker, Bishop, Burleson, Cain, Crawford, Davis of L., Fletcher, Gardner, Garland, Griffin of J., Griffin of M., Hammond, Heflin, Henslee, Hutchinson, Jones of Con., Jones of Cov., Jefferson, Justice, Kennedy, Kidd, King, Mason, McAllister, McLemore, McLeod, McMillion of B., McMillion of J., Musgrove, Reynolds, Rice, Rhodes, Rodgers, Rushing, Smith of H., Smith of J., Spruell, Stinson, Taylor, Troup, Walker of L. and Winston.

Mr. Kennedy moved its reference to the judiciary committee.

A message from the Senate, by Mr. Clitherall :

*Mr. Speaker :* The Senate has adopted preamble and joint resolutions, which originated in the House of Representatives, in relation to certain frauds alleged to have been committed upon the several banks of the State, and have amended the same as therein shown.

Messrs. McConnell, Reese, Baylor, Buford and Hudson, are appointed the committee on the part of the Senate, in pursuance of the resolutions above referred to.

Also, joint resolutions from the House of Representatives in relation to the north-eastern boundary, have passed the Senate with the amendments therein shewn.

Ordered, that the House concur in the amendments made by the Senate to the resolution in relation to bank frauds.

Ordered, that the clerk acquaint the Senate therewith.

Mr. Clemens moved that the House disagree to the amendment made by the Senate to the resolutions in relation to the north-eastern boundary, which was carried—yeas 88, nays 00.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Burleson, Cain, Chiles, Clemens, Cochran, Covington, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hogan, Houston, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Jones of M., Jefferson, Jemison, Kennedy, Kidd, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McLeod, McMillion of B., McMillion of J., Mitchell, Moore, Moores, Morgan, Mundy, Musgrove, Norwood, Norman, Perkins, Phillips, Randolph, Reynolds, Rice, Rhodes, Rodgers, Rushing, Smith of H., Smith of J., Smith of Laud., Smith of T., Spruell, Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of Law., Wallace, Ware, Winston, Woodward, Wynn and Young.

Engrossed bills of the following titles, to-wit :

An act to appoint courthouse commissioners of the county of Tallapoosa, and for other purposes therein specified.

An act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee railroad company, approved December 26, 1836.

An act to establish an additional regiment of the militia of this State, in the county of Talladega.

An act to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved January 9, 1841.

An act to incorporate the Mobile hook and ladder company number one, and fire companies number three, six and seven of the city of Mobile.

Were severally read the third time and passed.

Ordered, that their titles be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The joint resolution from the Senate, for the relief of Thomas Killough, tax collector of Sumter county, and for other purposes, was read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill to repeal the general ticket law, was read the third time and passed—yeas 57, nays 31.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Land., Alexander of Low., Barker, Barron, Bishop, Cain, Chiles, Covington, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Harris, Henry, Henslee, Hogan, Houston, Hunter, Hutchinson, Jones of Con., Jones of Cov., Jefferson, Jemison, Kennedy, Kidd, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moore, Moores, Mundy, Norman, Norwood, Perkins, Phillips, Reynolds, Rice, Rhodes, Rushing, Smith of L., Smith of T., Spruell, Storrs, Stinson, Valliant, Walker of Law., Wallace, Ware, Woodward and Young.

Those who voted in the negative are, messrs. Speaker, Allen, Armbrister, Burleson, Clemens, Cochran, Davis of L., Fletcher, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, James, Jones of M., King, Mcmillion of B., Mcmillion of J., Morgan, Musgrove, Randolph, Rodgers, Smith of H., Smith of J., Steele, Strode, Taylor, Troup, Walker of B., Winston and Wynn.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

At 15 minutes before 2 o'clock, Mr Reynolds moved to adjourn to 10 o'clock to-morrow morning; which was lost. Yeas 37, nays 48.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Alexander of Low. Clemens, Cochran, Covington, Davenport, Davis of B. Davis of L. Fletcher, Griffin of J. Hammond, Haughton, Hogan, Houston, Hutchinson, James, Jones of Cov. Jones of M. Kidd, Mason, R. C. McAlpin, McLeod, Mitchell, Moores, Morgan, Norman, Perkins, Reynolds, Smith of H. Smith of Land. Smith of T. Storrs, Strode, Taylor, Troup, Walker of Law. Woodward and Young.

Those who voted in the negative were, messrs Speaker, Alexander of Land. Armbrister, Barker, Barron, Bishop, Burleson, Cain, Chiles, Crawford, Erwin, Gardner, Garland, Gresham, Griffin of M. Heflin, Henry, Hunter, Jones of Con. Jefferson, Jemison, Kennedy, Kidd, B. McAlpin, S. McAlpin, McLemore, Mcmillion of B. Mcmillion of J. Moore, Mundy, Musgrove, Norwood, Phillips, Randolph, Rice, Rhodes, Rodgers, Rushing, Smith of J. Spruell, Steele, Stinson, Valliant, Walker of B. Wallace, Ware, Winston and Wynn.

Mr Reynolds moved that the House adjourn till half past 9 o'clock to-morrow; which was lost. Yeas 42, nays 45.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Alexander of Land. Alexander of Low. Allen, Cain, Clemens, Covington, Davenport, Davis of B. Davis of L. Fletcher, Garland, Griffin of J. Hammond, Haughton, Hogan, Houston, Hutchinson, James, Jones of Cov. Jones of M. Kennedy, Kidd, King, Mason, R. McAlpin, McLeod, Mitchell, Moores, Morgan, Mundy, Norman, Perkins, Reynolds, Rice, Smith of H. Smith of L. Strode, Taylor, Troup, Walker of Law. and Woodward.

Those who voted in the negative are, messrs Speaker, Armbrister, Barron, Bishop, Burleson, Chiles, Cochran, Crawford, Erwin, Gardner, Gresham, Griffin of M. Harris, Heflin, Henry, Henslee, Hunter, Jones of Con. Jefferson, Jemison, B. McAlpin, S. McAlpin, McLemore, Mcmillion of B. Mcmillion of J. Moore, Musgrove, Norwood, Phillips, Randolph, Rhodes, Rodgers, Rushing, Smith of T. Spruell, Steele, Storrs, Stinson, Valliant, Walker of B. Wallace, Ware, Winston, Wynn and Young.

mr Clemens moved to adjourn till 7 o'clock this evening; which was lost. Yeas 28, nays 56.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Speaker, Alexander of Laud, Barker, Barron, Chiles, Clemens, Erwin, Garland, Griffin of m. Hunter, Hutchinson, Jones of m. McLemore, Mcmillion of J. Moore, Mundy, Musgrove, Norwood, Rhodes, Rushing, Steele, Storrs, Troup, Walker of B. Walker of L. Wallace, Ware and Winston.

Those who voted in the negative were, messrs Alexander of Low, Allen, Armbrister, Bishop, Burleson, Cain, Cochran, Covington, Crawford, Davis of B. Davis of L. Fletcher, Gardner, Gresham, Griffin of J. Hammond, Harris, Heflin, Henry, Henslee, Hogan, Houston, James, Jones of Cov. Jones of Con. Jefferson, Kennedy, Kidd, King, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLeod, Mcmillion of B. Mitchell, Moores, Morgan, Norman, Perkins, Phillips, Randolph, Reynolds, Rice, Rodgers, Smith of H. Smith of J. Spruell, Strode, Stinson, Taylor, Valliant, Woodward, Wynn and Young.

At 10 minutes after 2 o'clock, mr Hutchinson moved that the House adjourn to o'clock 10 to-morrow; which was lost. Yeas 36, nays 42.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Alexander of Laud, Alexander of Low, Armbrister, Cain, Clemens, Covington, Davis of B. Davis of L. Fletcher, Gardner, Harris, Henslee, Hogan, Houston, Hutchinson, James, Jones of Cov. Jones of m. Mason, Mcmillion of J. Mitchell, Moores, Morgan, Mundy, Musgrove, Perkins, Reynolds, Rodgers, Smith of H. Smith of J. Smith of T. Strode, Walker of Law. Woodward and Young.

Those who voted in the negative were, messrs Speaker, Allen, Barker, Barron, Bishop, Burleson, Chiles, Cochran, Crawford, Erwin, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Heflin, Henry, Hunter, Jones of Con. Jefferson, Jemison, Kidd, King, B. McAlpin, S. McAlpin, McLemore, Mcmillion of B. Norman, Norwood, Phillips, Randolph, Rice, Rhodes, Rushing, Spruell, Steele, Storrs, Stinson, Troup, Valliant, Walker of B. Wallace, Ware, Winston and Wynn.

mr Hogan moved a call of the House, when the following members appeared and answered to their names, to wit:

Messrs Alexander of Low, Allen, Armbrister, Barker, Barron, Bishop, Cain, Chiles, Clemens, Cochran, Covington, Crawford, Davis of B. Davis of L. Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Harris, Heflin, Henry, Henslee, Hogan, Hunter, Hutchinson, Jones of Con. Jones of Cov. Jones of m. Jefferson, Jemison, Kidd, King, Mason, B. McAlpin, S. McAlpin, McLemore, McLeod, Mcmillion of B. Mcmillion of J. Mitchell, Moores, Morgan, Mundy, Musgrove, Norman, Norwood, Phillips, Randolph, Reynolds, Rice, Rhodes, Rodgers, Rushing, Smith of H. Smith of J. Smith of T. Spruell, Steele, Storrs, Strode, Stinson, Troup, Valliant, Walker of B. Walker of Law. Wallace, Ware, Winston, Woodward, Wynn and Young.

mr Hogan then moved that the absent members be sent for; which was carried.

mr Clemens moved that the House adjourn until to-morrow 10 o'clock; which was carried. Yeas 36, nays 22.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Loud. Allen, Armbrister, Cain, Clemens, Covington, Crawford, Davis of B. Davis of L. Fletcher, Gardner, Garland, Harris, Henslee, Jones of Con. Jones of M. Jefferson, Kidd, King, Mason, McLeod, Moores, Morgan, Mundy, Musgrove, Perkins, Reynolds, Rogers, Smith of H. Smith of J. Smith of T. Troup, Woodward, Wynn and Young.

Those who voted in the negative were, messrs Barker, Barron, Bishop, Chiles, Cochran, Erwin, Gresham, Griffin of J. Griffin of M. Hammond, Heflin, Henry, Hunter, Jenison, B. McAlpin, McLemore, Mcmillion, of B. Mcmillion of J. Mitchell, Norman, Phillips, Randolph, Rice, Rhodes, Rushing, Storrs, Strode, Valliant, Walker of B. Wallace, Ware and Winston.

And then the House adjourned.

TUESDAY, November 30, 1841.

The House met pursuant to adjournment.

Mr Phillips introduced a bill to extend the time of holding the circuit courts of the counties of Tallapoosa and Chambers, and to change the time of holding the circuit courts of the counties of Russell and Macon; which was read, and ordered to a second reading.

Mr Rodgers introduced a bill to grant certain privileges to Alexander Findley, of De Kalb county; which was read, and ordered to a second reading.

Mr Chiles presented the petition of citizens of Greene county; which was read, and referred to a select committee.

Whereupon, messrs Chiles, Covington, Reynolds, James and Rice were appointed said committee.

Mr Chiles also presented the petition of citizens of Greene county; which was read, and referred to the committee on propositions and grievances.

Mr Walker of L. presented an account. It was referred to the committee on accounts.

Mr Burleson presented the petition of citizens of Marion county, which was read, and referred to the delegation of Marion and Fayette counties.

Mr Ware introduced a bill to alter the time of electing the assessor and tax collector for Montgomery county; which was read, and ordered to a second reading.

Mr Barron introduced joint resolutions for the relief of David Fleeker and others; which was read, and ordered to a second reading.

Mr Spruell presented the petition of citizens of Pickens county; which was read, and referred to the military committee.

The Speaker laid before the House the annual reports of the comptroller and treasurer.

Ordered that said reports lie on the table, and that one hundred copies of each be printed.

Mr Rushing, from the committee on divorce and alimony, to which was referred the record for divorce in the case of Philip Voiglin from Mary Voiglin, reported a bill to divorce Philip Voiglin from his wife Mary Voiglin; which was read, and ordered to a second reading.

The same committee, to which was referred the record for divorce in the case of Maria Booth against George W. Booth, reported a bill to divorce Maria Booth from George W. Booth; which was read, and ordered to a second reading.



The same committee, to which was referred the record for divorce in the case of Araminta D. Stone from Charles Stone, reported a bill to divorce Araminta D. Stone from her husband Charles Stone, and change the name of said Araminta D. Stone to that of Araminta Dormer Loftin; which was read, and ordered to a second reading.

Mr Taylor from the committee on propositions and grievances, to which was referred the petition of Drucilla McDow reported a bill back for the relief of Drucilla McDow which was read and ordered to a second reading.

The same committee to which was referred the petition of E. B. Rockett and others reported the same as inexpedient, in which report the House concurred.

A message from the Senate by Mr Clitherall.

*Mr Speaker;* The Senate has passed a bill to improve the navigation of the Cahawba river which originated in the Senate, and.

Bills which originated in the House of Representatives of the following titles to wit.

An act to repeal in part and amend an act entitled an act to wind up the land office at Courtland, approved January 9, 1841.

An act for the relief of tales jurors, in the county of St Clair and other counties and has amended the same as therein shewn, and.

An act to amend the charter of the Planters and Merchants bank of Mobile and has amended the same as therein shewn, in which the concurrence of the House of Representatives is asked.

They have also adopted the following resolution.

*Resolved,* That the House of Representatives be respectfully requested to inform the Senate whether they concurred or disagreed to the 1st, 2d, and 3d, amendments made by the Senate to the resolution of the House of Representatives in reply to resolutions from the State of Maine, on the subject of the North Eastern Boundary.

Mr Walker of B. from the judiciary committee to which was referred the bill from the Senate to amend and explain an act for the relief of Elizabeth Morris approved 9, January 1836, reported the same without amendment.

Mr Jemison moved the following amendment.

*"Sec. 3. And be it further enacted,* That the said Elizabeth Morris shall inherit the property of the aforesaid James D. Wilson, only in connection with the wife of the said James D. Wilson and the others next of kin, of the said James D. Wilson, in the manner prescribed in the existing law of descent; *Provided however,* That the provisions of this act shall not be so construed as to interfere or conflict, with any title or right that might now be asserted and maintained in any court of law or equity."

Mr Walker of L. moved the previous question, which call was sustained, Yeas 60, Nays 29.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs. Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Bishop, Burleson, Cain, Chiles, Clemens, Crawford, Davenport, Davis of L. Fletcher, Gardner, Garland. Gresham, Griffin of J. Griffin of M. Hammond, Harris, Haughton, Heflin, Hunter, James, Jones of Con. Jones of Cov. Jones of M. Jefferson, Justice, Kennedy, King McLeod, McMillion of B. McMillion of J. Morgan, Mundy, Musgrove, Norwood, Phillips, Randolph, Reynolds, Rhodes, Rogers, Rushing, Smith of H. Smith of J. Smith of Laud. Smith of T. Steele, Strode, Stinson, Taylor, Troup, Walker of B. Walker of Law. Ware, Winston, Woodward and Wynn.

Those who voted in the negative are, messrs: Speaker, Barron, Bradley, Cochran, Covington, Davis of B. Erwin, Henry, Hogan, Houston, Hutchinson, Jemison, Kidd, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, mitchell, moore, moores, Norman, Perkins, Rice, Spruell, Storrs, Valiant, Wallace and Young.

The main question was on ordering the bill to a 3d reading and carried. Yeas 64, Nays 25.

The yeas and nays being demanded.

Those who voted in the affirmative are, messrs. Alexander of Laud, Alexander of Low, Allen, Bishop, Burleson, Cain, Chiles, Clemens, Cochran, Covington, Crawford, Davenport, Davis of L. Fletcher, Gardner, Garland, Gresham, Griffin, of J. Griffin of M. Hammond, Harris, Heflin, Henry, Hutchinson, Jones of Con. Jones of Cov. Jones of M. Jefferson, Justice, Kennedy, King, R. McAlpin, S. McAlpin, McLeod, McMillion of B. Morgan, Mundy, Musgrove, Norman, Norwood, Perkins, Reynolds, Rhodes, Rogers, Rushing, Smith of H. Smith of J. Smith of Tusk, Spruell, Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Woodward and Wynn.

Those who voted in the negative are, messrs. Speaker, Armbrister, Barron, Bradley, Davis of B. Erwin, Haughton, Hogan, Houston, Hunter, James, Jemison, Kidd, Mason, B. McAlpin, McLemore, McMillion of J. Mitchell, Moore, Moores, Phillips, Randolph, Rice, Smith of L. and Yancey.

Mr Rodgers moved that the House adjourn until to-morrow 10 o'clock; which was carried. Yeas 52, nays 36.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Laud. Alexander of Low, Barker, Burleson, Clemens, Cochran, Covington, Crawford, Davenport, Davis of B. Davis of L. Fletcher, Gardner, Garland, Griffin of J. Haughton, Henslee, Hogan, Houston, James, Jones of Con. Jones of Cov. Jones of M. Justice, Kennedy, Kidd, King, R. C. McAlpin, McLeod, McMillion of J. Mitchell, Moore, Moores, Morgan, Mundy, musgrove, Perkins, Randolph, Reynolds, Rice, Rogers, Rushing, Smith of H. Smith of L. Smith of T. Steele, Storrs, Strode, Taylor, Walker of B. Walker of Law. Woodward and Young.

Those who voted in the negative are, messrs. Speaker, Allen, Armbrister, Barron, Bishop, Bradley, Cain, Chiles, Erwin, Gresham, Griffin of m., Hammond, Harris, Heflin, Henry, Hunter, Hutchinson, Jefferson, Jemison, Mason, B. McAlpin, S. McAlpin, McLemore, Norman, Norwood, Phillips, Rhodes, Smith of J., Spruell, Stinson, Troup, Valliant, Wallace, Ware, Winston and Wynn.

And then the House adjourned.

WEDNESDAY, Dec. 1, 1841.

The House met pursuant to adjournment.

Ordered, that the House concur in the amendments made by the Senate to the bill to amend the charter of the planters and merchants bank of Mobile.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to improve the navigation of the Cahawba river, was read and ordered to a second reading.

Mr. Phillips introduced a bill to define and regulate fees of the judges of the county court in certain cases, which was read and ordered to a second reading.

Mr. Justice introduced a bill to make county claims receivable in payment of county taxes in Dale county, which was read and ordered to a second reading.

Mr. Reynolds introduced a bill to require the branch bank at Huntsville and Decatur to deposite their proportion of \$36,000 in the State bank, which was read the first and second times forthwith, and the rule being suspended it was read the third time forthwith, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr. Young introduced a bill for the benefit of the estate of John S. Gray, deceased, which was read the first and second times forthwith and referred to the delegation of Greene county.

Messrs. Clemens and Erwin introduced accounts, they were severally read and referred to the committee on accounts.

Mr. Clemens introduced a bill for the benefit of Daniel L. Downes, which was read and ordered to a second reading.

Mr. Hogan presented the petition of citizens of Mobile county, which was read and referred to the delegation of Mobile county.

Mr. R. McAlpin introduced joint resolutions, which were read and ordered to a second reading.

Mr. Erwin presented the petition of citizens of Mobile county, which was read and referred to the delegation of Mobile county.

Mr. Ware offered the following:

Whereas this General Assembly convened on the first day of Nov., 1841, and has been in session thirty days, meeting at 10 o'clock in the morning and adjourning usually from half-past 1 to 2 o'clock.

Believing that the public interest requires the members of the legislature to devote more of their time to the business for which they have been sent—we do enter this our most solemn protest against such proceedings.

In the first place, it is admitted by all, that no more of the public money should be used in legislation than is actually necessary.

2dly. It is the duty of each member to meet early and set late, in order to shorten the session of the Legislature as much as possible.

3rdly. The present condition of the country requires at our hands the most scrupulous economy. And,

4thly. We are convinced that this House do not set as many hours as it should do for each day; thereby producing an extravagant waste of the public funds; without any good resulting from such a course.

In addition to the above reasons, I consider the resolution passed on the 24th, requiring this House to hold evening sessions in future, that the House should act accordingly.

Signed, Robert J. Ware, M. Phillips, B. D. Harris, H. Q. Bradley, Jas. Chiles, J. R. Alexander, A. Justice, Jno. L. Hunter, Chs. McLemore, E. Henry, J. J. Hutchinson, D. H. Norwood, J. Spruell, J. Clemens, Le Roy Gresham, J. B. Stinson, S. W. Mason, W. M. Griffin, Jno. S. Kennedy, Ro. T. Moores, Blanton McAlpin, Thos. A. Walker, Matthew Allen.

Mr Hutchinson introduced a bill to alter and regulate the pay of members of the General Assembly; which was read.

Mr Davenport moved that the bill lie on the table; which was lost. Yeas 33, nays 54.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud., Alexander of Low., Armbrister, Cain, Chiles, Clemens, Covington, Crawford, Davenport, Fletcher, Haughton, Jones of Cov., Kidd, King, McAllister, B. McAlpin, McMillion of J., Moores, Morgan, Perkins, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Smith of T., Strode, Stinson, Walker of Law., Winston, Wynn and Young.

Those who voted in the negative are, messrs. Speaker, Allen, Barron, Bishop, Bradley, Burleson, Cochran, Davis of B., Davis of L., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Harris, Heflin, Henry, Hunter, Hogan, Houston, Henslee, Hutcheson, James, Jones of Con., Jones of M., Jefferson, Lemison, Justice, Kennedy, Mason, R. McAlpin, S. McAlpin, McLemore, McMillion of B., Mitchell, Moore, Mundy, Norwood, Phillips, Randolph, Rhodes, Smith of Laud., Spruell, Storrs, Troup, Valliant, Walker of B., Wallace, Ware and Winston.

A message from the Governor by Mr Garrett.

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, Dec. 1, 1841. }

To the Speaker of the House of Representatives.

Sir: I have the honor to communicate to your Honorable body, the resignation from Win. B. Martin Esq. Solicitor of the 9, judicial circuit, to take effect after, the 20th inst.

(Signed,)

BENJAMIN FITZPATRICK.

Ordered that said communication lie on the table.

Ordered that Mr Woodward have leave of absence.

Mr Musgrove from the military committee to which was referred the account of Watkins and Sellers, reported a bill to compensate Watkins & Sellers, which was read and ordered to a second reading.

Mr Mitchell made the following report,

'The committee on enrolled bills have examined and find correctly enrolled.

A preamble and joint resolutions of the General Assembly of the State of Alabama, in relation to the regulation of postage on letters and papers.

Mr. Rushing from the committee on Divorce and Alimony, to which was referred the record for divorce in the case of Kirk Harrison against Harriet Y. Harrison, reported a bill to divorce Kirk Harrison from his wife Harriet Y. Harrison, which was read and ordered to a second reading.

The same committee to which was referred the record for divorce, in the case of Wilson Etman vs. Sarah Etman, reported a bill to divorce Wilson Etman from Sarah Etman, which was read and ordered to a second reading.

The same committee to which was referred the record for divorce in the case of Jane Johnson against Henry Johnson, reported a bill to divorce Jane Johnson, which was read and ordered to a second reading.

The same committee to which was referred the record for divorce in the case of Elizabeth Lankford vs. Joseph H. Lankford, reported a bill to divorce Elizabeth Lankford from Joseph Lankford, which was read and ordered to a second reading.

Mr. Wynn from the select committee to which was referred the bill from Senate, to alter the mode of collecting and assessing the taxes of Limestone county, reported sundry amendments which were adopted, it was ordered to a third reading.

Mr. Smith of Loud., from the select committee to which was referred the petition of the members of Florence Lyceum, reported a bill to incorporate the Florence Lyceum, which was read and ordered to a second reading.

Mr. Gresham from the select committee to which was referred the petition of citizens of Randolph County, reported a bill for the relief of school commissioners of township 20, and range 11, in Randolph County, which was read and ordered to a second reading.

Mr. Musgrove from the select committee to whom was referred the petition of citizens of Walker County, reported a bill to authorize Benjamin Holley, to erect a mill dam across Lost Creek, in Walker County, which was read and ordered to a second reading.

Mr Hutchinson offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will adjourn *sine die* on the 20th inst.

Mr Reynolds moved to postpone the further consideration of the resolution till the 17th instant; which was carried.

On motion of Mr Walker of Law.:

*Resolved*, That the committee on the State bank and branches be instructed to call on the president of the bank of the State and each of the branches, for the following information, to wit:

1st. On what terms have they employed an attorney since January, 1837; and what security have they required of said attorney for the discharge of his duties as such. If by bond, what is the amount of the penalty, and who are the securities.

2d. For what amount do they hold the receipt of attorneys, either for bills of exchange or notes of hand, given them for collection; and what are the dates of such receipts.

3d. What amount of said bills of exchange or notes have been collected by said attorneys and paid over to the banks; and what are the dates of such payments.

4th. What amount of bills of exchange, or other evidence of debt, is now in the hands of any attorney of the bank or branches, which has not been collected; how long has such attorney held this paper; and what is the cause of the delay in collecting.

5th. Has any attorney in that time removed from or resigned his office; and if so, had such attorney, at the time of his removal or resignation, any money in his charge collected for the bank he was acting for, which was not paid over; or any notes or bills of exchange uncollected, which was not returned; what are the reasons alleged for this neglect of duty; and has the bank brought suit on the penal bond entered into by said attorney, for the enforcement of the obligation he was under.

6th. Have they any evidence of any defalcation on the part of an attorney or attorneys, prior to the date referred to in the 1st interrogatory, and who longer acts as attorney. If they have, state the name or names, and all connected with such defalcations, &c. &c.

Mr Kennedy offered the following resolution, which lies over one day for consideration:

*Resolved*, That the clerk of this House be required to select from among the orders of the day, all bills of a local character; and that they be the special order of the day on evening sessions hereafter to be holden; and that the

bank committees and the committee on the judiciary, and other committees that may desire it, be excused from attending said evening sessions.

On motion of mr R. McAlpin—

*Resolved*, That the committee on the State bank and branches be instructed to call on the President of the branch bank at Mobile, and in the event of his absence, on the cashier of said bank, for the name or names of the person or persons alluded to in the report of the commissioners, P. G. and W. of said report, who obtained a large amount of money from the bank on sterling exchange on supposed shipments of cotton to London; and yet no cotton was shipped to meet said bills, and which bills were actually dishonored and returned to the bank at Mobile.

*Resolved*, That the President, or in his absence, the cashier be instructed to furnish the committee with the name of the president and directors who agreed to take these bills without an endorser, and waiving acceptance, together with the amount thus taken.

*Resolved*, That the president or cashier, as the case may be, be required to furnish the committee a correct statement of the amount that the bank has received in liquidation of that transaction, the amount for which a note or notes has or have been received, the time of maturity of each note; and what security, if any, has been obtained to insure the payment of such note or notes.

*Resolved*, That the cashier be instructed to make a statement of the transaction, showing the loss accruing to the bank from the dishonoring of the bills in London, and the amount secured; and whether interest, damages, &c. be included.

*Resolved*, That the president or cashier cause immediate inquiry to be instituted to ascertain whether the parties who have thus obtained the money of the bank on fraudulent pretences, have or possess any real or personal property within the reach of the laws of Alabama or elsewhere.

*Resolved*, That the president or cashier be instructed to obtain the opinion of the bank attorney, after apprising him of the facts of the case, whether the parties are not liable to a criminal prosecution; if so, why it has not been commenced or ordered by the board of directors.

*Resolved*, That the cashier inform said committee, whether the late president gave a bond, as required by law; if so, what is the amount of the penalty; who are the securities; and in whose possession is the said bond.

*Resolved*, That the chairman of said committee, ask for a full and detailed statement of the real and personal estate taken by said bank in payment or composition of debts, shewing from whom taken, under what circumstances, and at what price the same was taken; together with all the facts in relation thereto, so far as the said bank is concerned.

A message from the Senate by mr Clitherall:

*Mr Speaker*—The Senate has passed the accompanying resolutions, in which they ask the concurrence of the House of Representatives:

*Resolved*, by the Senate, that with the concurrence of the House, the two Houses will assemble in the hall of the House on Friday next, the 3d of December, at the hour of 12 o'clock, m., to elect a judge of the 5th judicial circuit.

*Resolved*, That the House of Representatives be requested to furnish the Senate with the reports of the indebtedness of the members of the Legislature from the different banks in this State.

Mr. Smith of Laud. moved to amend the resolution by adding, a solicitor of the 9th judicial circuit, which was carried. The other resolution was concurred in.

Ordered, that the clerk acquaint the Senate therewith.

The House then proceeded to the orders of the day.

The bill from the Senate to amend and explain an act for the benefit of Elizabeth Morris, approved 9th January, 1836, was read the third time.

Mr. Erwin moved to amend it by way of engrossed ryder, with the following proviso, "Provided, that the just and legal claims against the estate of said James D. Wilson, shall be paid out of the said estate, before the said Elizabeth Morris shall claim or receive any benefit under this act," which was lost.

The bill passed—yeas 60, nays 21.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Bishop, Burleson, Cain, Clemens, Cochran, Covington, Crawford, Davenport, Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Harris, Heflin, Henry, Hutchinson, Jones of Cov., Jones of M., Jefferson, Justice, Kennedy, King, R. C. McAlpin, S. McAlpin, McLeod, McMillion of B., Morgan, Mundy, Musgrove, Norman, Norwood, Perkins, Reynolds, Rhodes, Rodgers, Rushing, Smith of H., Smith of J., Smith of T., Spruell, Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston and Wynn.

Those who voted in the negative are, messrs. Speaker, Barron, Bradley, Davis of B., Erwin, Hogan, Houston, Hunter, Jemison, Kidd, Mason, B. McAlpin, McLemore, Mitchell, Moore, Moores, Phillips, Randolph, Rice, Smith of Laud. and Young.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill to amend an act regulating punishments under the penitentiary system, was read the second time and referred to the committee on the penal code,

The bill to provide for the removal of the seat of government, was read the second time and referred to the judiciary committee, with the following instructions by Mr. Mitchell—"To make the following inquiries, to-wit. Whether said bill does not contemplate an amendment or revision of the Constitution, and if so, whether it is competent for this Legislature to propose amendments to that instrument in any other *mode* or manner, than the one prescribed in the constitution itself.

The bill to create a certain county therein named and for other purposes, was read a second time and referred to the committee on county boundaries.

The bill to place in liquidation the branch of the bank of the State of Alabama at Decatur, was read the second time and referred to the committee on the State bank.

Bills of the following titles, to wit :

An act to compel the county treasurer of Pickens county to reside at or near the county site.

An act authorizing an additional surveyor for Sumter county.

An act for the relief of Sarah Squires,

Were severally read the second time and ordered to be engrossed for a third reading.



The bill to establish an office of discount and deposite in the town of Selma<sup>8</sup> was read the second time and referred to the committee on the State bank.

The bill to regulate the practice of dental surgery, and for other purposes, was read the second time and referred to a select committee.

Whereupon messrs. Davenport, Moores, Bradley, Walker of L., Houston, Spruell, Ware, Garland and Crawford, were appointed said committee.

The bill to *protect* the rights of females, was read the second time.

Mr. Valliant moved the following amendment: In the first section, after the word "before," insert the words "*or after*;" and after the word *marriage* again occurs, strike out the balance of the section in the bill and amendment— was referred to the select committee.

The bill for the relief of debtors, was read the second time.

Mr. Jemison moved that it lie on the table, which was carried.

The bill to designate the line between the 15th and 88th regiments of Alabama militia, in the county of Jefferson, was read the second time and referred to the military committee.

Bills of the following titles, to-wit :

An act to change the venue in certain cases, and

An act to regulate the damages on appeals and writs of error, were read the second time and referred to the judiciary committee.

The bill for the relief of S. S. Jennings, was read the second time.

Mr. Smith of T. moved to amend it by adding sundry names thereto, the bill with the amendments was referred to the judiciary committee.

The bill to incorporate Midway Academy, in the county of Macon, was read the second time and referred to the committee on education.

The bill to collect and adjust the debts due the banks and branches, and for other purposes, was read the second time and referred to the committee on the State bank.

The bill to establish election precincts in the county of Talladega was read the second time and referred to the committee on privileges and elections.

Mr. Davenport moved that the House adjourn until 10 o'clock to-morrow, which was lost.

Mr. Clemens moved that the House adjourn to 7 o'clock this evening, which was carried.

And the House adjourned.

#### EVENING SESSION, 7 o'clock

The House met pursuant to adjournment.

The bill to divorce Amanda White from William A. White, was read the second time and ordered to be engrossed for a third reading.

Bills of the following titles, to-wit :

An act to repeal the law requiring the alternation of the judges of the circuit courts.

An act to regulate the mode of taking bonds of justices of the peace and constables, in certain cases.

An act to extend the jurisdiction of the justices of the peace and to authorize a jury in certain cases.

An act to prevent frauds at Sheriff's sales and for other purposes.

An act to repeal an act therein named.

An act to quiet the titles to real estate in the State of Alabama and for other purposes.

An act to regulate service of process.

Were read the second time and referred to the judiciary committee.

The bill from the Senate to compensate the commissioners of roads and revenue in the counties of Dale and Wilcox, and for other purposes, was read the second time.

Mr. Phillips moved to insert the word Chambers after Wilcox, which was carried.

It was ordered to a third reading.

Bills from the Senate of the following titles, to-wit:

An act to exempt certain persons from road duty.

An act to authorize the comptroller of public accounts to draw his warrant on the State treasurer, in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, judge of the second judicial circuit.

An act to confirm the will of Thomas Murphey, deceased.

Were severally read the second time and ordered to a third reading.

The bill from the Senate to establish a road court in the county of Mobile, was read the second time and referred to the delegation of Mobile county.

The bill from the Senate to ascertain and fix permanently the line between the counties of Madison and Jackson, was read the third time and referred to the delegation of Madison and Jackson counties.

The bill from the Senate to establish certain election precincts therein named and for other purposes, was read the second time and referred to the committee on privileges and elections.

The bill from the Senate for the relief of Richard G. Earle, was read the second time and referred to the judiciary committee.

Bills of the following titles, to-wit:

An act to change the time of holding the county court of Tallapoosa county.

An act to require the county officers of Marshall county to receive certain claims therein named.

Joint resolutions in regard to certain records.

An act to divorce Joseph Daniel from his wife Huldah Daniel.

An act to change the mode of appointing apportioners within the county of Walker.

An act to extend the time for collecting the county school and road tax in the county of Mobile, for the year 1841, and for other purposes.

An act to change the name of Alfred B. Palmore.

Were severally read the second time and ordered to be engrossed for a third reading.

The bill to repeal the fourth section of the seventh chapter of the criminal code, was read and referred to the committee on the penal code.

The bill in relation to dower was read the second time.

Mr. Hutchinson moved that it be indefinitely postponed, which was carried. Yeas 45, nays 32.

The yeas and nays being demanded,

Those who voted in the affirmative were, messes Speaker, Alexander of Laud, Alexander of Low, Barron Burleson, Clemens, Davenport, Erwin, Fletcher, Garland, Griffin of S. Griffin of m. Hammond, Haughton, Hogan, Houston, Hutchinson, James, Jones of m. Jefferson, Justice, Kennedy, Marchbanks, Mason, R. McAlpin, S. McAlpin, Moore, Moores, Morgan Musgrove, Norman, Randolph, Rhodes, Rodgers, Smith of H. Smith of J. Smith

of Laud. Smith of T. Spruell, Steele, Storrs, Taylor, Troup, Valliant, and Wynn.

Those who voted in the negative were, messrs Allen, Armbrister, Barker, Bishop, Bradley, Cain, Covington, Crawford, Davis of B. Davis of L. Gresham, Harris, Heflin, Hunter, Jones of Con. Jones of Cov. Jemison, B. McAlpin, McLemore, McLeod, Mitchell, Mundy, Norris, Norwood, Perkins, Phillips, Rice, Rushing, Stinson, Walker of B. Wallace, Ware and Winston,

The bill to amend, revise and compile the school laws in this State, was read the second time, and referred to the committee on education.

The bill from the Senate to fix and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia in the city and county of Mobile, was read the second time, and referred to the delegation of Mobile county.

The bill from the Senate to authorize Norborn E. Chandler of Sumter county, to sell goods, wares and merchandize, in said county, without license, was read the second time.

Mr Covington, moved to amend it with these words: "without license and free of tax"; which was carried.

It was ordered to a third reading.

The bill from the Senate in relation to the 16th section, in township 10, range 5, in the county of Wilcox, was read the second time, and referred to the delegation of Wilcox county.

The bill from the Senate to change the time of convening the General Assembly, was read the second time.

Mr Barron moved to amend it by striking out the 1st Monday of December, to insert the 3d Monday in November, which was lost.

It was ordered to a third reading.

The bill for the benefit of the attorney general, was read the second time.

Mr Smith of T moved to refer it to the judiciary committee; which was lost.

Mr Smith of L. moved to postpone it indefinitely; which was carried.

The bill for the improvement of the Alabama river, was read the second time, and referred to the committee on internal improvement.

The bill to provide for the payment of the petit jurors in the county of Jackson, was read the second time, and referred to the delegation of Jackson county.

The bill for the better regulation of taxing lands in this State, and for other purposes, was read the second time, and referred to the committee on ways and means.

The bill to reduce the number of company musters, was read the second time, and referred to the committee on military affairs.

The bill to alter the mode of assessing and collecting the taxes in Sumter county, and for other purposes, was read the second time, and referred to the committee of ways and means.

The bill to establish certain election precincts in Baldwin county, was read the second time, and referred to the committee on privileges and elections.

The bill to establish an agency of the Branch Bank of the State of Alabama at Decatur—at Irwinton, Barbour county, was read the second time and referred to the delegation of Barbour county.

The bill to compensate William S. Taylor, for a horse pressed into the United States service, was read the second time, and referred to the committee on Accounts.

The bill to prescribe a certain duty to the President and Directors of the Bank of the State of Alabama and its Branches, was read the second time.

Mr. Perkins moved that it be indefinitely postponed, which was carried. Yeas 44, Nays 29.

The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs. Speaker, Alexander of Laud., Barker, Barron, Burleson, Covington, Crawford, Davenport, Davis of B., Davis of J., Erwin, Fletcher, Gresham, Griffin of J., Griffin of M., Harris, Hogan, Henston, Hutchinson, James, Jefferson, Justice, Kennedy, Merchbanks, R. McAlpin, R. McAlpin, S. McAlpin, McLeimore, McLeod, Mitchell, Moore, Moors, Morgan, Musgrove, Norwood, Perkins, Rogers, Rushing, Smith of H., Smith of T., Taylor, Troup, Valliant, and Winston.

Those who voted in the negative, are Messrs. Alexander of Low, Allen, Ambrester, Bishop, Bradley, Cain, Garland, Hammond, Haughton, Heflin, Hunter, Jones of Covington, Jones of M. Jemison, Mundy, Norman, Norris, Phillips, Randolph, Rice, Rhodes, Smith of J. Smith, of Laud. Spruell, Steel, Storrs, Walker of B. Wallace and Wynn.

And then the House adjourned until 10 o'clock to morrow.

THURSDAY DEC. 2, 1841.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the record for divorce in the case of Wm. Stammers vs. Mary Stammers, which was read and referred to the committee on Divorce and Alimony.

Mr. Phillips introduced a bill to incorporate the Tallapoosa Lyceum, which was read and ordered to a second reading.

Mr. Erwin introduced a bill for the payment of certain claims against the State of Alabama, which was read the first and second times forthwith, and referred to the committee on Accounts.

Mr. Erwin presented the account of the Sheriff of Mobile county, which was read and referred to the committee on Accounts.

A message from the Senate by Mr. Clitheral,

*Mr. Speaker :* The Senate has passed a bill which originated in the House of Representatives, entitled an act to alter the manner of compensating executors and administrators in certain cases, and have amended the same as shewn, by the accompanying report of the Judiciary committee.

The Senate has also adopted the following resolution,

*Resolved,* That with the concurrence of the House of Representatives, the two Houses will assemble in the Representatives Hall, on Tuesday, the 7th of December, inst. at 12 o'clock, *M.*, for the purpose of electing a Solicitor of the 8th Judicial Circuit—also a Solicitor for the 9th Judicial Circuit.

The Senate has also passed a bill which originated in the Senate, entitled an act, authorizing the Executor of Blaney Brand, late of Greene county, to dispose of the goods, wares, and merchandize of his testator at private sale or otherwise ; in all of which they ask the concurrence of your Honorable body.

A message from the Governor, by Mr. Garrett,

*Mr. Speaker :* I am instructed by His Excellency the Governor, to inform your Honorable body, that he did on this day approve and sign bills of the following titles, to wit :

An act entitled an act to run and mark out the line between the counties of Shelby and Jefferson.

An act entitled an act to change the time of holding the County Courts of the County of Randolph.

An act authorizing the Commissioners Court of Roads and Revenue, to establish Ferries, on the Alabama river, in the County of Wilcox.

An act to provide for the election of a Tax Collector, for the County of Marshall.

An act to declare Bear Creek, a public highway.

An act entitled an act to establish a ferry, in Washington County.

Which bills originated in the House of Representatives.

Mr. Mitchell from the committee on Enrolled Bills, read the following report :

The committee on Enrolled Bills, have examined and found correctly enrolled, bills of the following titles, to wit :

Joint resolutions in relation to a Land District, in the Cherokee part of Alabama.

An act entitled an act to repeal in part, and amend an act entitled an act to wind up the land office at Courtland, approved January 9th, 1841.

Joint resolutions of the General Assembly of the State of Alabama, for the relief of Thomas Kellough, Tax Collector of Sumter county, and for other purposes.

An act entitled an act concerning suits against executors and administrators, &c.

An act to amend the charters of the Bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes.

Mr. James from the committee of Ways and Means, to which was referred a resolution embracing such parts of the Governor's message as relates to relieving the Banks from defraying the expenses of the State government, and also a resolution instructing them to inquire into the expediency of again laying the State Tax, for the support of the Government. Reported,

A bill to raise a revenue for the support of Government, which was read the first time.

Mr. Hutchinson moved to postpone the further consideration of the bill, until the 20th of December next, which was lost, yeas 20, nays 69.

The yeas and nays being demanded,

Those who voted in the affirmative, were Messrs. Alexander of Lowndes, Ambrester, Bishop, Cain, Crawford, Davenport, Davis of B. Griffin of J. Hammond, Harris, Heflin, Henry, Hutchinson, Justice, King, Moors, Rice, Smith of J. Storrs and Winston.

Those who voted in the negative, were Messrs. Speaker, Alexander of Laud. Allen, Barker, Barron, Bradley, Burleson, Chiles, Clemens, Cochran, Covington, Davis of L. Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of M. Haughton, Henslee, Hogan, Houston, Hunter, James, Jones of Con, Jones of Cov. Jones of M. Jefferson, Jemison, Kennedy, Marchbanks Mc Allister, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, McLeod, Mc Million of J. mitchell, mason, morgan, mundy, musgrove, Norman, Norris, Perkins, Phillips, Randolph, Reynolds, Rhodes, Rogers, Rushing, Smith of H. Smith of L. Smith of Z. Spruell, Steel, Strode, Stinson, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Wynn and Young.

Mr. S. McAlpin moved to postpone the further consideration of the bill un-

til Thursday next, and that it be made the special order of the day for that day, and 200 copies be printed, which was lost, yeas 39, noes 50.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs. Alexander of Low. Allen, Barron, Bishop, Bradley, Cain, Covington, Crawford, Davenport, Erwin, Gresham, Griffin of J. Heflin, Hunter, Jefferson, Jemison, Justice, Kennedy, King, R. McAlpin, S. McAlpin, McLemore, mitchell. moors, mundy, Norris, Norwood, Rice, Rogers, Smith of J. Smith of T. Spruell, Storrs, Strode, Wallace, Ware, Wynn, and Young.

Those who voted in the negative are messrs. Speaker, Alexander of Laud., Armbrister, Barker, Burleson, Chiles, Clemens, Davis of L., Davis of B., Fletcher, Gardner, Garland, Griffin of M., Hammond, Harris, Haughton, Henry, Henslee, Hogan, Houston, Hutchinson, James, Jones of Con., Jones of Cov., Jones of M., Marchbanks, McAllister, B. McAlpin, McLeod, mcmillian of B., mcmillian of J., Moore, Musgrove, Norman, Perkins, Phillips, Randolph, Reynolds, Rushing, Smith of H., Smith of L., Steele, Strode, Taylor, Troup, Valliant, Walker of B., Walker of L. and Winston.

Mr. Davenport moved to lay the bill on the table and that 200 copies be printed.

The question being divided, the vote was taken to lay on the table and lost. Yeas 34, nays 53.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Low., Bishop, Cain, Covington, Crawford, Davenport, Davis of B., Gresham, Griffin of J., Hammond, Heflin, Henry, Hutchinson, Jemison, Kennedy, King, S. McAlpin, mcmillian of B., Mitchell, Moores, Mundy, Norris, Norwood, Rice, Rodgers, Smith of J., Smith of T., Spruell, Storrs, Stinson, Wallace, Ware, Wynn and Young.

Those who voted in the negative are, messrs. Speaker, Alexander of Laud., Allen, Armbrister, Barker, Barron, Bradley, Burleson, Chiles, Clemens, Cochran, Davis of L., Erwin, Fletcher, Gardner, Garland, Griffin of M., Harris, Haughton, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Justice, Marchbanks, McAllister, B. McAlpin, R. McAlpin, McLeod, mcmillian of J., moore, morgan, musgrove, Norman, Perkins, Phillips, Randolph, Reynolds, Rhodes, Rushing, Smith of H., Smith of L., Steele, Strode, Taylor, Troup, Valliant, Walker of B. and Walker of L.

Mr. Perkins moved that the bill be read a second time on Wednesday next and print 200 copies, which was carried. Yeas 45, nays 41.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud., Burleson, Cain, Clemens, Cochran, Covington, Crawford, Davenport, Davis of L., Fletcher, Harris, Haughton, Henslee, Hogan, Houston, Hutchinson, James, Jones of Cov., Jones of M., Jemison, Kennedy, Marchbanks, McAllister, R. McAlpin, McLeod, mcmillian of J., Mitchell, Moore, Moores, Morgan, Mundy, Musgrove, Perkins, Reynolds, Rice, Rodgers, Rushing, Smith of H., Steele, Strode, Stinson, Taylor, Walker of L., Winston and Young.

Those who voted in the negative are, messrs. Speaker, Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Chiles, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of M., Hammond, Heflin, Henry, Hunter, Jones of Con., Jefferson, Justice, B. McAlpin, S. McAlpin, McLemore, mcmillian of B., Norman, Norris, Norwood, Phillips, Randolph, Rhodes. Smith of J.

Smith of L., Spruell, Storrs, Troup, Valliant, Walker of B., Wallace, Ware and Wynn.

And the House adjourned.

FRIDAY, Dec. 3, 1841.

The House met pursuant to adjournment.

Ordered, that the House concur in the amendment made by the Senate to the bill to alter the manner of compensating executors and administrators, in certain cases.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Ordered that the House concur in the resolution of the Senate, proposing to go into the election of solicitors for the 8th and 9th judicial circuits.

The bill from the Senate to authorize the executors of Blaney Brand, late of Greene county, to dispose of the goods, wares and merchandize of his testator, at private sale or otherwise, was read the first and second times forthwith, and the third time forthwith, (the rule being suspended) passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Mr. Norwood introduced a bill to authorize Benajah King to erect a toll bridge across Big Mulberry creek, which was read and ordered to a second reading.

Mr. Winston presented the petition of citizens of DeKalb county, which was read and referred to the committee on education.

Mr. Rogers presented the petition of citizens of De Kalb county, which was read and referred to the committee on education.

Mr. Young introduced a bill for the relief of Robert Williamson, which was read and referred to the committee on accounts.

Mr. Young presented an account, which was read and referred to the committee on accounts.

Mr. Chiles introduced a bill to extend the next term of the circuit court of Greene county to eighteen judicial days, which was read and ordered to a second reading.

Mr. Chiles introduced a bill to amend the laws in relation to ferriage, which was read and ordered to a second reading.

Mr. Smith of Laud. presented the petition of citizens of Lauderdale county, which was read and referred to the judiciary committee.

Mr. Clemens introduced a bill to reduce the salaries of bank officers, which was read, and the rule being suspended, it was read the second time forthwith and referred to the committee on the State bank and branches.

Mr. Hammond introduced a bill to secure debts due the State bank and branches, which was read the first and second times forthwith and referred to the committee on the State bank and branches.

Mr. Gresham introduced a bill to incorporate the Tallapoosa manufacturing company, which was read and ordered to a second reading.

Mr. Griffin of S. presented the petition of citizens of Shelby county, which was read and referred to the delegation of Shelby county.

Mr. Norris introduced a bill for the better regulating the State printing and altering the mode of paying for the same, approved Feb. 4, 1840, which was read and ordered to a second reading.

Mr. Young, from the committee on education, to which was referred the



petition of citizens of Limestone county, praying that the sale of the sixteenth section of township 4, range 5, may be annulled for certain reasons set forth in said petition, and upon conditions embraced in the petition, and also counter petition upon the same subject, reported the same as inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the letter of Peter Romaine, reported that it is inexpedient to legislate on the subject, in which report the House concurred.

The same committee, to which was referred the petition of Dillard S. Payne and others, reported that it is inexpedient to legislate upon the subject.

Ordered that said report lie on the table.

The same committee, to which was referred the petition of Enos Chapman of Benton county, reported the same as inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred a communication from the Lyceum of the city of New York, reported joint resolutions in relation to certain books therein named, which was read and ordered to a second reading.

Mr. Young made the following report :

The committee on education, to which was referred a resolution instructing said committee to inquire into the expediency of passing a law to prevent the purchasers of 16th sections, who have failed to make payment, to relinquish the same, &c., have according to instructions had the same under consideration and report, that the grant of 16th sections to the several townships, made by congress, is believed to have been for the sole and lasting benefit of each township, and vested a fee simple title in the residents and citizens of the township, for a definite object ; and that the citizens of the township cannot, without their consent, be divested of their right.

The committee repudiate the assumption of legislative authority over the rights and interests of citizens of a township without their assent.

To grant the privilege to purchasers set forth in the resolution, would put the interests of citizens of a township under the caprice or volition of defaulting purchasers, unhinge all that is stable in purchase ; and at all times jeopard the interests of education, and thwart the beneficent grants of congress.

The committee do not here discuss the right of the legislature to pass laws binding the citizens of a township in relation to their 16th sections, but they doubt the propriety of such legislation—which doubt may be well entertained.

The committee has instructed me to report that it is inexpedient to legislate on the subject.

In which report the House concurred.

Mr. Winston, from the committee on county boundaries, to which was referred the petition of the citizens of Dale county, reported a bill to create a certain county therein named, and for other purposes, which was read and ordered to a second reading.

Mr. B. McAlpin, from the committee on privileges and elections, to which was referred the bill from the Senate abolishing and establishing precincts therein named, reported sundry amendments, which were concurred in.

Ordered that the bill lie on the table.

Mr. Wynn, from the committee on roads, bridges and ferries, to which was referred the petition of citizens of Lawrence and Franklin counties, reported the same as inexpedient, in which report the House concurred.

Mr. Ware, from the select committee to which was referred the bill to establish a bank at \_\_\_\_\_ and for other purposes, reported sundry amendments.

The bill and amendments were referred to the committee on the State bank and branches.

Mr. Smith of Laud. from the select committee to which was referred the petition of citizens of Lauderdale county, reported a bill to change the time of holding the county court of Lauderdale county, which was read and ordered to a second reading.

A message from the Senate by Clitherall:

*Mr Speaker*—The Senate has rejected the bill from the House of Representatives to be entitled an act for the relief of Harriet Hatfield and others; and the bill to provide for the working of roads on beat lines, and for other purposes.

The Senate also refuses to concur in the amendment made by the House to their resolution proposing to elect a judge of the circuit court for the 5th judicial circuit.

The Senate has also adopted joint resolutions responsive to resolutions of the commonwealths of Massachusetts and Kentucky; and the State of Delaware on the subject of restricting the office of President of the United States to one term.

Also, joint resolutions, responsive to resolutions from the commonwealth of Massachusetts, on the subject of the revenue laws.

In which the concurrence of the House of Representatives is respectfully asked.

Mr Young, from the select committee to which was referred the bill for the benefit of the estate of John S. Gray, deceased, reported a substitute in lieu thereof; which was adopted.

The bill was ordered to be engrossed for a third reading.

Mr Erwin, from the select committee to which was referred the petition of the bakers of Mobile, reported that there is now pending before the House a bill embracing the object of said petition; and asked to be discharged from the further consideration thereof; which was granted.

Mr B. McAlpin, from the select committee to which was referred the bill to alter and amend the charter of the city of Mobile, reported a substitute in lieu thereof.

Mr R. McAlpin moved a substitute.

The bill and amendments was referred to the delegation of Mobile county.

Mr Clemens, from the select committee to which was referred a bill to ascertain and fix permanently the lines between the counties of Jackson and Madison, reported an amendment; which was adopted.

The bill was ordered to a third reading.

Ordered that the House recede from their amendment to the resolution from the Senate, proposing to elect a judge of the 5th judicial circuit.

Ordered that the clerk acquaint the Senate therewith.

The resolution from the Senate, responsive to the resolution of the States of Kentucky, Massachusetts and Delaware, on the subject of the election of President of the United States, and joint resolutions of the Senate responsive to certain resolutions of Massachusetts on the subject of the revenue laws, were, on motion of Mr Clemens, ordered to lie on the table.

Mr B. McAlpin, from the select committee to which was referred the bill from the Senate defining the limits of the 48th and 89th regiments of Alabama militia, reported an amendment; which was adopted.

The bill was ordered to a third reading.

Mr Jamison offered the following resolution:

*Resolved*, That the use of this hall be granted to the Agricultural Convention, to convene in this city on Monday next, on the afternoon and evening of each day during its session.

Mr Hammond moved the following amendment:

*Provided, however*, the sitting of said convention does not conflict with the business orders of this House.

Mr B. McAlpin moved that the resolution be indefinitely postponed; which was lost. Yeas 15, nays 66.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Bishop, Chiles, Heflin, B. McAlpin, Musgrove, Randolph, Rhodes, Smith of L. Troup, Valliant, Ware, Winston and Wynn.

Those who voted in the negative are, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bradley, Cain, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B. Davis of L. Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J. Griffin of M. Griffin of S. Hammond, Haughton, Henslee, Hunter, Jones of Con. Jones of Cov. Jones of M. Jefferson, Jamison, Justice, Kennedy, King Marchbanks, Mason, McAlister, R. McAlpin, McLemore McLeod, Mitchell, Moores, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Reynolds, Rice, Rodgers, Rushing, Smith of H. Smith of J. Smith of T. Spruell, Steele, Strode, Taylor, Walker of B. Walker of Law. and Wallace.

The question recurred upon Mr Hammond's proviso, and lost.

Mr Alexander of Laud. moved to amend it by inserting the words, "7 o'clock"; which was lost.

The resolution was then adopted.

On motion of Mr Armbrister:

*Resolved*, That the Senate be now invited into the hall of the House of Representatives to go into the election of a judge of the 5th judicial circuit.

The Senate then repaired to the hall of the House of Representatives.

Both Houses then proceeded to the election, GEORGE W. LANE, WILLIAM ACKLIN, JOHN C. THOMPSON and GREENE P. RICE being in nomination.

Those who voted for Mr Acklin are, messrs Clarke, King, McClanahan and Watrous, of the Senate; and messrs Allen. Bishop, Cochran, Davis of L. Griffin of M. Griffin of S. Harris, Heflin, Henry, Henslee, Houston, Hunter, Morgan, Norman, Randolph, Smith of L. Storrs, Walker of B. Winston and Wynn, of the House.—25.

Those who voted for Mr Lane are, messrs Andress, Buford, Dent, Hudson, Hunter, Lea, McVay, Oliver, Phillips, Ross, Thornton and Womack, of the Senate; and messrs Alexander of Lowndes, Barker, Barron, Bradley, Cain, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Garland, Hammond, Jones of Con. Jones of Cov. Jefferson, Jamison, Marchbanks, Mason, S. McAlpin, McLemore, McLeod, Mitchell, Moore, Mundy, Norris, Norwood, Reynolds, Rhodes, Rogers, Smith of H. Smith of T. Spruell, Wallace, Ware and Young, of the House.—49.

Those who voted for mr Rice are, messrs Hall, McAlister and Rodgers, of the Senate; and messrs Alexander of Laud. Chiles, Gresham, Hogan, Justice, *B. McAlpin*, *R. McAlpin*, Mcmillion of *B. Moores*, Perkins, Rice, Strode, Stinson, Taylor, Troup and Walker of Lawrence, of the House.—19.

Those who voted for mr Thompson are, messrs President, Baylor, Creagh, Dailey, Foster, McConnell, Reese, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Armbrister, Clemens, Fletcher, Griffin of J. Haughten, Hutchinson, Jones of mad. James, Kennedy, King, McAlister, Mcmillion of J. Musgrove, Phillips, Rusking, Smith of J. Steele and Yancey.—28.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote a second time.

Those who voted for mr Acklin are, messrs Clarke, King; McClanahan and Watrous, of the Senate; and messrs Allen, Cochran; Davis of L. Griffin of m. Griffin of S. Heflin, Henry, Henslee, Hogan, Houston, Hunter, Mcmillion of B. Norman, Smith of L. Storrs, Troup, Valliant, Walker of B. Walker of L. Winston and Wynn.—of the House.—25.

Those who voted for mr Lane are, messrs Andress, Buford, Dent, Hall, Hudson, Hunter, Lea, *McVay*, Oliver, Phillips, Ross, Thornton and Womack, of the Senate; and messrs Alexander of Lowndes, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Mason, *R. McAlpin*, *S. McAlpin*, *McLemore*, *McLeod*, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Reynolds, Rhodes, Rogers, Smith of H. Smith of T. Stinson, Wallace; Ware and Young, of the House.—46.

Those who voted for mr Rice are; messrs Rodgers, of the Senate; and Alexander of Laud. Marchbanks, Strode and Taylor, of the House.—5.

Those who voted for mr Thompson are, messrs President, Baylor, Creagh, Dailey, Foster, McAlister, McConnell, Reese, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Armbrister, Clemens, Fletcher King, McAlister, *B. McAlpin*, Mcmillion of J. Moore, Morgan, Musgrove, Phillips, Randolph, Haughton, Griffin of J. Hutchinson, James, Jones of m. Rice, Rushing, Smith of J. Steele and Yancey, of the House.—34.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a third time, the name of mr Rice having been withdrawn.

Those who voted for mr Acklin are, messrs Clarke, King, McClanahan, Turner, Watrous and Wilson of J. of the Senate; and messrs Cochran, Davis of L. Griffin of S. Heflin, Hogan, Houston, Hunter, King, Norman, Rushing, Smith of H. Storrs, Valliant, Walker of Benton and Winston, of the House.—21.

Those who voted for mr Lane are, messrs Andress, Buford, Dailey, Dent, Foster, Hall, Hudson, Hunter, Lea, *McVay*, Oliver, Phillips, Ross, Rodgers, Thornton and Womack, of the Senate, and messrs Alexander of Laud. Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Garland, Gresham, Hammond, Harsis, Henry, Henslee, Jones of Con. Jones of Cov. Jefferson, Jemison, Justice, Marchbanks, Mason, *B. McAlpin*, *S. McAlpin*, *McLemore*, *McLeod*, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Phillips, Reynolds, Rhodes, Rogers, Smith of H. Smith of T. Spruell, Stinson, Walker of L. Wallace, Ware and Young, of the House.—65.

Those who voted for mr Thompson are, messrs President, Baylor, Creagh, McAlister, McConnell, Reese and Toulmin, of the Senate; and messrs Speaker, Alexander of Laud. Allen, Armbrister. Clemens, Fletcher, Griffin of J. Griffin of M. Haughton, Hutchinson, James, Jones of m. Kennedy, McAlister, B. McAlpin, Mcmillion of B. Mcmillion of J. Moore, Morgan, Musgrove, Randolph, Rice, Smith of J. Steele, Strode, Taylor, Troup, Wynn and Yancey, of the House--36.

George W. Lane having received a majority of the votes, mr Speaker declared him duly elected judge of the 5th judicial circuit for the time prescribed by law.

And then the Senate withdrew.

The House then proceeded to the orders of the day.

Engrossed bills of the following titles, to wit:

Joint resolutions in regard to certain records;

An act to require the county officers of Marshall county to receive certain claims therein named;

An act to divorce Joseph Daniel from his wife, Huldah Daniel;

An act to extend the time for collecting the county school and road tax in the county of Mobile for the year 1841, and for other purposes;

An act to change the name of Alfred B. Palmore;

An act to divorce Amanda White from her husband, Wm. H. White;

An act to change the time of holding the county court of Tallapoosa county;

An act to compel the county treasurer of Pickens county to reside at or near the county site;

An act authorizing an additional surveyor for sumter county;

An act for the relief of Sarah Squires;

An act to change the mode of appointing appertioners within the county of Walker;

Were severally read the third time and passed.

Ordered that the titles be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Bills from the Senate of the following titles:

An act to confirm the will of Thomas Murphy, deceased;

An act to authorize the comptroller of public accounts to draw his warrant on the State treasurer in favor of Sion L. Perry, for the balance of the salary, due the late Horatio G. Perry, judge of the second judicial circuit;

An act to authorize Norborn E. Chandler, of Sumter county, to sell goods, wares and merchandize in said county without license.

An act to change the time of convening the General Assembly, and

An act to alter the mode of assessing and collecting the taxes of Limestone county.

Were severally read the third time and passed.

The bill from the Senate to compensate the Commissioners of Roads and Revenue, in the counties of Dale and Wilcox, was read the third time.

Mr. Crawford moved to amend it by way of engrossed ryder, which was carried.

The bill then passed.

Ordered that the title be as aforesaid.

Ordered that the Clerk acquaint the Senate therewith.

The bill to exempt certain persons from road duty, was on motion of Mr. Crenshaw, ordered to lie on the table.

A bill to abolish and establish certain election precincts in Walker county, being under consideration, Mr. Griffin of M. moved that it lie on the table, which was carried.

Bills of the following titles :

An act to extend the time for bringing suits against executors and administrators, and for other purposes.

An act to retain liens created by the levy of attachments in certain cases therein mentioned.

An act in relation to descents, and for other purposes.

An act in addition to an act, passed December, 1838, entitled an act to consolidate the several acts, in relation to County Treasurer.

An act for the regulation of Judicial proceedings.

An act to authorize the sale of real estate of infants, in certain cases.

An act to amend an act to authorize Tax Collectors and Clerks of the County Courts, of the several counties in this State, to receive in payment of public dues, certain claims therein mentioned, approved December 22, 1841.

An act to amend an act entitled an act to explain and amend the law in relation to attachments, approved December 23, 1837.

Were severally read the second time, and referred to the Judiciary committee.

The bill to secure a home to unfortunate females, was read the second time.

Mr. Erwin moved the following amendment,

That the said lands shall be set a part out of the lands to be hereafter received of the Government of the United States, under the said Distribution Bill.

Mr. Rice moved the following amendment, to Mr. Erwins,

*Provided however*, That the provisions of this act, shall not extend to any town lot, which shall exceed in value five hundred dollars.

The bill with the amendment was referred to the Judiciary committee.

Mr. Reynolds introduced a joint resolution, which was read and adopted.

Ordered that the Clerk acquaint the Senate therewith.

Bills of the following titles, to wit :

An act to incorporate the Burnt Corn Academy, in the County of Conecuh.

An act to incorporate the Medical Society of the city of Mobile, and for other purposes.

The joint resolution for the sale of the decisions of the Supreme Court of Alabama.

The bill to establish an additional regiment in the County of Randolph, which was read the second time and referred to the Committee on Military affairs.

The bill to incorporate the Greensboro Female Academy, was read the second time, and referred to the delegation from Greene.

The bill to change the time of convening the General Assembly of the State of Alabama, was on motion of Mr. Erwin, ordered to lie on the table.

The bill to extend the time of holding the Spring terms of the Circuit



Court, for the County of Macon, was read the second time, and referred to the delegation of Macon, Chambers, Tallapoosa and Russell counties.

The bill to require the Bank officers to keep certain Books, was read the second time and referred to the committee on the State Bank and Branches.

The bill to provide for ascertaining the line between the counties of Jackson and De Kalb, was read the second time, and referred to the committee on County Boundaries.

The bill to abolish a certain election precinct therein named, was ordered to lie on the table.

Mr. Mitchell made the following report :

The committee on Enrolled Bills have examined and found correctly enrolled,

An act to amend and explain an act entitled an act, for the relief of Elizabeth Morris, approved May 9th, 1841.

The bill to authorize the emancipation of certain slaves therein named, was read a second time and referred to the committee on propositions and grievances.

A message from the Senate by Mr. Clitherall :

*Mr. Speaker :* The Senate has passed a bill to be entitled an act to raise a school fund for the benefit of the poor and in aid of valueless sixteenth sections. In which the concurrence of the House is asked.

The bill from the Senate to raise a school fund for the benefit of the poor and in aid of valueless sixteenth sections, was read and ordered to a second reading.

And then the House adjourned until to-morrow morning 10 o'clock.

SATURDAY, Dec. 4, 1841.

The House met pursuant to adjournment.

Ordered that messrs. Garland, Burleson and Kidd, have leave of absence.

Mr. Crawford introduced a bill to extend the time of the settings of the court of chancery at Clayton, and for other purposes, which was read the first and second time forthwith, and referred to the delegation of Barbour, Butler, Dallas and Montgomery counties.

Mr. Walker of B. and others, presented the following :

The undersigned ask this their protest to be spread on the journals—

The House of Representatives, on Thursday, adjourned 45 minutes after 1 o'clock until the next day 10 o'clock, and have been pursuing that course during the whole session, in violation of a solemn resolution to hold evening sessions.

The Legislature adjourned on yesterday until 10 o'clock this morning, and the yeas and nays could not be had, owing to the disorderly manner in which the House adjourned.

The Legislature met on the first Monday of November, and has holden only one evening session since this body met, and at that evening session more of the public business was acted upon than usual in the same time. We believe this House adjourns too early and meets too late each day, to do justice to the public.

The course pursued by the majority of this House, has no other effect than to prolong the session at great and unnecessary expense, which is not known to our constituents:

We, therefore, having voted in the minority on the motions to adjourn this

House from 1 and 2 o'clock until the next day 10 o'clock, each day, enter this our protest against such a course of proceeding; and will continue to do so each day unless a different course is pursued.

It has been usual heretofore to hold evening sessions before the legislature had advanced as far as we have in point of time, and we can see no good reason why we should not hold evening sessions.

THOMAS A. WALKER, of Benton.

ROBERT J. WARE, Montgomery.

BLANTON McALPIN, Mobile.

CHARLES McLEMORE, Chambers.

JOHN S. KENNEDY, Lauderdale.

LEROY GRESHAM, of Tallapoosa.

WILLIAM M. GRIFFIN.

W. H. MUSGROVE.

RICHARD S. MOORE.

Mr. Davis of L. moved to print 5000 copies, which was lost.

Mr. Norwood presented the record for divorce in the case of Julia Ann Simmons against Richard Simmons, which was read and referred to the committee on divorce and alimony.

Mr. Marchbanks introduced a bill to alter the mode of assessing and collecting the taxes for the county of Fayette, and for other purposes, which was read and ordered to a second reading.

Mr. Hogan presented the petition of citizens of Mobile county, which was read and referred to a select committee.

Whereupon, messrs. Hogan, Yancey and Broughton, were appointed said committee.

Mr. Hutchinson presented an account, which was read and referred to the committee on accounts.

Mr. Rushing introduced joint resolutions for the relief of Dillard S. Payne and others, which was read and ordered to a second reading.

Mr. Covington introduced a bill to amend the laws in relation to sheriffs bonds, and for other purposes, which was read and ordered to a second reading.

Mr. Covington introduced a bill in relation to the fees of the clerks of the supreme, circuit and county courts, and registers in chancery, which was read and ordered to a second reading.

Mr. Walker of B. from the judiciary committee, to which was referred the petition of citizens of Pickens county, reported it inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the bill to regulate the mode of taking official bonds of justices of the peace and constables, in certain cases, reported it inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the bill to regulate the service of process, &c. reported the same as inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the bill to repeal the law requiring the alternation of the judges of the circuit court, reported it inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred a bill to change the venue in certain cases, reported it inexpedient.

Ordered that said bill lie on the table.

The same committee, to which was referred a bill to regulate damages on appeals and writs of error, reported it inexpedient.

Ordered that said report lie on the table.

Mr. Walker of B. made the following report :

The committee on the judiciary, to whom was referred the joint memorial of the General Assembly of the State of Alabama to the Legislature of New York, according to order have had the same under consideration, and have instructed me to report the following amendments and recommend the passage of the resolutions after the amendments are adopted :

Strike out the words "joint memorial," and insert in lieu thereof, "*preamble and joint resolutions.*"

In the 14th line, strike out the word "flagrantly," and insert "manifestly."

Strike out all after the words "New York" in the 18th line of the preamble and insert the amendment hereto attached.

In the last resolution, strike out the word "this memorial," and insert "these resolutions."

Mr. Clemens moved the following amendment to the amendment :

"An humble petition to the State of New York not to take away the property of the people of Alabama.

Mr Hunter moved to lay the report on the table; which was lost.

Mr Smith of T. moved that it be indefinitely postponed; which was carried.

Mr Hogan made the following report:

Mr Speaker—I am instructed by the committee on the State bank and branches to report to this House, that they have had before them, and under consideration, a bill to be entitled an act to establish a bank, and for other purposes, with the various amendments that have been before the House, and referred to said committee; and from the importance of the subject, have instructed me to ask the leave of the House to have two hundred copies printed for the use of the House and Senate. All of which is respectfully requested.

In which report the House concurred.

Mr Young, from the committee on education, to which was referred the petition of David Flecker, reported that a law or joint resolution, granting the prayer of the petitioner, ought to pass; and believe that such a proposition is now before the House of Representatives; and ask to be discharged from the further consideration of the subject; which was granted.

Mr Young, from the committee on education, to which was referred the bill to incorporate Midway academy, in the county of Macon, reported the same without amendment.

The bill was ordered to be engrossed for a third reading.

Mr McAlister, from the committee on military affairs, to which was referred the bill to designate the line between the 15th and 88th regiments of Alabama militia, in the county of Jefferson, reported the same without amendment.

The bill was ordered to be engrossed for a third reading:

Bills of the following titles, to wit:

An act to amend an act therein named, and for other purposes;

An act to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein mentioned;

An act to define and regulate the duties of county treasurer and tax collector for the county of Russell;

An act to establish an additional board of physicians in the town of Florence;

An act to provide for digesting the laws of the State of Alabama;

An act to authorize the county court of Madison county to borrow six thousand dollars;

An act to incorporate the town of Clayton, Barbour county, Alabama;

Were severally read the second time, and ordered to be engrossed for a third reading.

Mr Young, from the committee on education, to which was referred the petition of the commissioners of 16th section, township 10, range 5, in the county of Wilcox, reported a bill for the relief of the commissioners of 16th section, township 10, range 5, in the county of Wilcox; which was read, and ordered to a second reading.

Mr Crawford, from the select committee to which was referred the bill to establish an agency of the branch bank of the State of Alabama at Decatur at Irwinton, Barbour, county reported several amendments.

Mr Norwood moved the following amendment: after Gainesville, in Sumter county, an agency in the town of Selma, in Dallas county.

The bill was re-committed to the delegation of Barbour, Coosa, Fayette, Morgan and Talladega.

The House proceeded to the orders of the day.

Engrossed bills of the following titles, to wit:

An act for the benefit of the estate of John S. Gray, deceased;

An act to incorporate the Burnt Corn academy, in the county of Conecuh;

Joint resolutions for the sale of the decisions of the supreme court of Alabama;

An act to incorporate the medical society of Mobile, and for other purposes;

Were severally read the third time and passed.

Ordered that the titles be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Bills from the Senate of the following titles:

An act to fix and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia, within the city and county of Mobile;

An act to ascertain and fix permanently the line between the counties of Madison and Jackson;

Were severally read the third time and passed.

Ordered that the titles be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Bills of the following titles, to wit:

An act to provide for the payment of the necessary stationery, books and office furniture of the registers in chancery;

An act for the benefit of D. Robert H. Dalton, of Sumter county;

Were severally read the second time, and referred to the committee on accounts.

A message from the Governor by Mr Garrett:

*Mr Speaker*—His excellency the Governor this day approved and signed bills of the following titles:

An act to amend an act entitled an act more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, approved 2d February, 1839; and

An act to repeal in part and amend an act to wind up the land office at Courtland, approved 9th January, 1841.

Which bills originated in this House.

The bill to authorize the sale of property at the town of Fairfield in Pickens county, was read the second time, and referred to the delegation of Greene and Pickens counties.

The bill for the protection of females, their property, and other purposes, was read the second time, and referred to the judiciary committee.

A message from the Senate by Mr Clitherall:

*Mr Speaker*—The Senate has passed a bill from the House of Representatives requiring the branch banks at Huntsville and Decatur to deposit their portion of thirty-six thousand dollars in the State bank.

The Senate has also adopted the accompanying joint resolutions responsive to resolutions from the General Assembly of the State of Indiana, relative to the election of President and Vice President of the United States;

Also, preamble and joint resolutions relative to the bankrupt law, passed by the Congress of the United States at the late extra session.

In which the concurrence of the House of Representatives is respectfully asked.

Preamble and joint resolutions from the Senate relative to the bankrupt law, passed by the Congress of the United States at its late extra session, were read and referred to a select committee.

Whereupon, messrs Hutchinson, Yancey, Clemens, Young and Reynolds were appointed said committee.

Joint resolutions responsive to resolutions from the General Assembly of the State of Indiana relative to the election of President and Vice President of the United States, were read, and referred to the same committee as above.

The bill to abolish an election precinct therein named, was read the second time, and referred to the committee on privileges and elections.

The bill for the better regulation and safe keeping of sixteenth section funds, was read the second time, and referred to the committee on education.

The bill to authorize the citizens of township No. 1, range 10, west, to cancel a contract therein named, was read the second time.

Mr Rice moved to amend it by an additional section; which was carried.

Mr Jemison moved that the bill be referred to the committee on education, with the following instructions:

That the committee enquire into the expediency of passing some general law on the subject of cancelling contracts for 16th sections, which was carried.

The bill to provide that all suits by the Bank of the State of Alabama and its several branches, shall be instituted in the counties where the parties sued may reside, and for other purposes, was read the second time.

Mr. Davenport moved to amend it by a proviso:

Mr. Clemens moved to refer the bill to the Judiciary committee, which was carried, year 43, days 40.

Those who voted in the affirmative, are Messrs. Speaker, Alexander of Low., Armbrester, Barker, Barron, Bradley, Clemens, Cochran, Covington, Davis of L., Erwin, Ford Garland, Griffin of J., Haughton, Hogan, Houston, Hutchinson, Jones of M. Jemison, King, B. McAlpin, R. McAlpin, S. McAlpin, McMillion of B. Mitchell, Moore. Moors, Mundy, Norman, Norris, Norwood, Perkins, Reynolds, Rushing, Smith of H., Smith of J., Smith of L., Strode, Troup, Wallace, Ware, Wynn, Yancey and Young.

Those who voted in the negative, are Messrs. Alexander of Laud, Allen, Bishop, Cain, Crenshaw, Crawford, Davenport, Davis of B., Fletcher, Gresham, Griffin of M., Griffin of S. Hammond, Harris, Heflin, Henry Henslee, Hunter, Jones of Coa. Jones of Covington, Jefferson, Kennedy, Marchbanks, Mason, McLeod, Morgan, Musgrove, Phillips, Randolph, Rice, Rhodes, Rogers, Steel, Storrs, Stinson, Taylor, Valliant, Walker of B. Walker of L. and Winston.

Mr. Mitchell made the following report :

The committee on Enrolled Bills, have examined and find correctly enrolled,

An act authorizing the executor of Blaney Brand, late of Green county, to dispose of the goods, wares and merchandize of his testator, at private sale or otherwise.

The bill to distribute the sixth census of the United States, throughout this State, was read the second time.

Mr. Erwin moved to amend it by an additional section, which was adopted.

The bill was referred to a select committee, whereupon Messrs. Erwin, Clemens and Jemison, were appointed said committee.

The bill to revive in part an act to revise and consolidate and amend the several acts relative to the militia of this State, passed December 31, 1832, was read the second time, and referred to the Military committee.

The bill to compel certain persons therein named, to work on public roads, was read the second time, and referred to the committee on roads, bridges and ferries.

The bill to amend an act to organize and establish separate Courts of Chancery, was made the special order of the day for Monday next, at 11 o'clock.

The bill to compel the Judge of the County Court, to reside at or within three miles of the Court House, was read the second time.

Mr. Mason moved to insert the word Wilcox, after the word Franklin, which was carried.

The bill was ordered to be engrossed for a third reading.

The bill to abolish and establish election precincts in the County of Marshall, was read the second time, and referred to the committee on privileges and elections.

The bill to establish a Board of Commissioners, for the improvement of the navigation of the Black Warrior river, and for other purposes, was read the second time, and referred to the committee on Internal Improvement.

The bill for the relief of William Mills, was read the second time, and referred to the committee on Accounts.

The bill to accept the two per cent., fund,

Mr. Smith of Laud., moved that it be indefinitely postponed.

Mr. Jemison moved to suspend the orders of the day for the present:

Mr. Jemison then offered the following resolution :



*Resolved*, That the use of this House be tendered to the trustees of the University, on Sunday, 12th inst. for the delivery of the Commencement Sermon, by the Rev. Mr. Knapp.

And then the House adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 6, 1841.

The House met pursuant adjournment.

Mr. Hunter introduced a bill to regulate the election of the President and Directors of the Bank of the State of Alabama and its several branches, which was read and ordered to a second reading.

Mr. Ware presented an account, which was read and referred to the committee on Accounts.

Mr. Barron introduced a bill to repeal an act entitled an act to amend an act, relating to inspectors in Mobile, passed December 17th 1819, as respects bagging and rope, which was read and ordered to a second reading.

Mr. Harris introduced a bill to authorize the election of an assessor and tax collector, for Russell county, and for other purposes, which was read and ordered to a second reading.

Mr. Musgrove introduced a bill to provide for obtaining permits for retailing spirituous liquors during the recess of courts, and to reduce the tax thereon in certain counties therein named, which was read and ordered to a second reading.

Mr. Speaker laid before the House a communication, together with an accompanying document from Percy Walker, solicitor of the 10th judicial circuit.

Ordered that said communication and accompanying document be referred to the judiciary committee.

Mr. Walker of B. from the judiciary committee, to which was referred the bill to protect the rights of females, reported it inexpedient.

Mr. Clemens moved that the report lie on the table.

Mr. Clemens then moved that the bill be referred to a select committee.

Whereupon messrs. Clemens, Crawford and S. McAlpin, were appointed said committee.

The same committee, to which was referred the bill to authorize the sale of the real estate of infants, reported that it is inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the petition of the citizens of Lauderdale county, reported that the law now in force on the subject requires no amendment, and asked to be discharged from the further consideration of the petition.

Ordered that said report lie on the table.

The same committee, to which was referred the bill to extend the time for bringing suits against executors and administrators, and for other purposes, reported that it is inexpedient.

The bill was referred to a select committee.

Whereupon messrs. Erwin, Storrs and Covington, were appointed said committee.

The same committee, to which was referred the bill to amend an act entitled an act to explain and amend the laws in relation to attachments, approved 23rd December, 1837, reported that it is inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the bill in relation to descents, and for other purposes, reported that it is inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the bill for the regulation of judicial proceedings, reported that it is inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the bill from the Senate for the relief of Richard G. Earle, reported an amendment, which was adopted.

The bill was ordered to a third reading.

The same committee, to which was referred the bill to retain liens created by the levy of attachments, in certain cases therein named, reported it without amendment.

The bill was ordered to be engrossed for a third reading.

The same committee, to which was referred the bill to amend an act to authorize the collectors and clerks of the county courts from the several counties in this State, to receive in payment of public dues certain claims therein named, approved Dec. 22d, 1840.

The bill was ordered to be engrossed.

Mr. Crenshaw made the following report.

The committee on enrolled bills have examined and find correctly enrolled an act entitled an act requiring the branch banks at Huntsville and Decatur to deposite their proportion of thirty-six thousand dollars in the State bank.

Mr. Walker of B. from the judiciary committee to which was referred the bill to repeal an act therein named, reported that the law which this bill proposes to repeal, in the opinion of a majority of the committee, is unconstitutional and ought to be repealed, and therefore recommend the passage of the bill.

It was ordered to be engrossed for a third reading.

A message from the Senate by mr. Clitherall:

*Mr. Speaker:* The Senate have passed bills of the following titles which originated in the Senate, to-wit:

An act to amend an act to incorporate the Tuscaloosa Guards.

An act to prohibit the increase of salary to any officer of the State bank or either of its branches.

An act more fully to explain the first, second, third and fourth sections of the fourteenth chapter of the penal code, upon the subject of pardon and reprieves.

An act for the relief of Bethel Homes.

An act to amend an act entitled an act to incorporate the Marion female association, approved 9th January, 1841.

An act to compel the commissioners of the different banks in this State to make their reports according to law.

An act for the benefit of T. G. R. Shannon.

An act to authorize the tax collector of Jackson county to receive jurors certificates, and State claims that have become a county charge, in payment of taxes due in said county.

An act authorizing the State bank and its several branches to appoint bank marshals.

An act to regulate writs of error.

An act to amend an act entitled an act for the government of the port and harbour of Mobile, approved Dec. 23, 1822.

An act respecting depositions, &c.

An act to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein.

An act to regulate the purchase of bills of exchange by the branch of the bank of the State of Alabama at Mobile.

An act to amend the charter of the Alabama life insurance and trust company of Mobile.

An act to repeal in part and amend the law regulating the practice in the chancery courts.

An act to expedite the settlement of the estates of deceased persons.

An act to amend an act entitled an act more effectually to provide for discoveries in suits at common law, approved 23d Dec. 1837.

The Senate concurred in the amendments made by the House to the following bills :

An act to authorize Norborn E. Chandler of Sumter county, to sell goods, wares and merchandize in said county, without licence:

An act to alter the mode of assessing and collecting the taxes of Limestone county.

An act to compensate the commissioners of roads and revenues of the counties of Dale and Wilcox, and for other purposes.

The Senate also passed bills from the House of the following titles, to-wit :

An act to establish an additional regiment of the militia of this State in the county of Talladega.

An act for the better securing mechanics in the city and county of Mobile.

An act to extend the time for collecting the county school and road tax in the county of Mobile, for the year 1841, and for other purposes; and have amended the same as therein shown, by adding an additional section.

The Senate has passed bills which originated in the House, to regulate the proceeding of the circuit court of Montgomery county and for other purposes, and amended as thus shown.

And adopted the following resolution,

*Resolved*, That with the concurrence of the House of Representatives, the two houses of the General Assembly, when assembled in the hall of the House of Representatives on Tuesday the 7th instant, to go into the election of solicitors of the 8th and 9th judicial circuits, shall also go into the election of five persons to constitute a board of physicians at the town of Livingston, Sumter county.

In which the concurrence of the House is respectfully asked.

The House proceeded to the consideration of the bill to amend an act to organize and establish separate courts of chancery, approved January 26th, 1839.

Mr. Clemens then moved that the bill lie on the table, which was lost.— Yeas 39, noes 51.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Allen, Barker, Bishop, Cain, Clemens, Davis of L., Fletcher, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Heflin, Henslee, Jones of Cov., Jones of Mad., Jefferson, King, Marchbanks, Mason, McAllister, McLeod, McMillion of B., McMillion of J., Musgrove, Norris, Norwood, Randolph, Rice,

Rhodes, Rodgers, Smith of H., Smith of J., Stinson, Taylor, Troup, Valliant, Walker of L., Winston and Wynn.

Those who voted in the negative are, messrs. Speaker, Alexander of Land., Alexander of Low., Armbrister, Barron, Bradley, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Griffin of S., Harris, Haughton, Henry, Hogan, Houston, Hunter, Hutchinson, James, Jones of Con., Jemison, Justice, Kennedy, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Morgan, Mundy, Norman, Perkins, Phillips, Reynolds, Rushing, Smith of L., Smith of T., Steele, Storrs, Strode, Walker of B., Wallace, Ware, Yancey and Young.

Mr Hammond moved to amend the bill by striking out all after the enacting clause with the view to insert the following:

That an act entitled 'an act to organize and establish separate courts of chancery,' approved January 26th, 1839, and that all laws relating to the establishment or existence of separate courts of chancery are hereby repealed; and all chancery powers are hereby withdrawn from said chancellors and said separate courts of chancery; and vested in the judges of the circuit courts, in the same manner that those powers were vested in the judges of the circuit courts prior to the passage of the act to organize and establish separate courts of chancery.

*Be it further enacted,* That the registers and masters in chancery are hereby required to transmit the record and proceedings of each suit to the circuit clerk of the county in which the respondents or defendants may reside.

On motion of Mr Reynolds—

The House then resolved itself into a committee of the whole House on said bill.

Mr Walker of L. in the chair.

And after sometime spent in the consideration thereof, Mr Speaker resumed the chair.

Mr Young then moved that the committee rise; which was carried.

At twenty minutes before three o'clock, Mr Clemens moved that the House adjourn until to-morrow morning at 10 o'clock; which was lost. Yeas 24, noes 60.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Alexander of Land., Cain, Clemens, Cochran, Davenport, Davis of L., Griffin of S., Hensel, Hogan, Jones of Cov., Jones of m. R. McAlpin, Mitchell, Moores, Mundy, Norman, Reynolds, Rice, Smith of H., Smith of T., Strode, Stinson, Walker of L. and Young.

Those who voted in the negative were, messrs Speaker, Alexander of Land., Allen, Armbrister, Barron, Bishop, Bradley, Covington, Crenshaw, Crawford, Davis of B., Erwin, Fletcher, Ford, Garland, Gresham, Griffin of J., Griffin of m., Hammond, Heflin, Henry, Houston, Hunter, Hutchinson, James, Jones of Con., Jefferson, Justice, Kennedy, King, Marchbanks, B. McAlpin, S. McAlpin, McLemore, McLeod, Mcmillen of B., Mcmillen of J., Moore, Morgan, Musgrove, Norris, Norwood, Phillips, Randolph, Rhodes, Rogers, Smith of J., Smith of L., Steele, Storrs, Taylor, Troup, Valliant, Walker of B., Wallace, Ware, Winston, Wynn and Yancey.

Mr Clemens then moved that the House adjourn until 45 minutes after 9; which was carried. Yeas 42, nays 32.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud. Alexander of Low. Armbrister, Cain, Clemens, Cochran, Covington, Davis of B. Davis of L. Fletcher, Garland, Griffin of S. Henslee, Hogan, James, Jones of Cov. Jones of m. Justice, King Marchbanks, Mason, R. McAlpin, McLeod, Mcmillion of J. Mitchell, Morgan, Mundy, Norman, Norris, Phillips, Randolph, Reynolds, Rice, Smith of H. Smith of J. Strode, Stinson, Taylor, Walker of Law. and Yancey.

Those who voted in the negative are, messrs Allen, Barron, Bishop, Bradley, Crenshaw, Ford, Gresham, Griffin of J. Griffin of m. Heflin, Henry, Hutchinson, Jones of Con. Jefferson, Kennedy, B. McAlpin, S. McAlpin, McLemore Mcmillion of B. Moore, Moores, Musgrove, Norwood, Rhodes, Rodgers, Smith of L. Storrs, Troup, Valliant, Walker of B. Wallace, Ware and Wynn.

And then the House adjourned.

TUESDAY, December 7, 1841.

The House met pursuant to adjournment.

Bills from the Senate of the following titles, to wit:

An act to amend an act to incorporate the Tuscaloosa guards;

An act to prohibit the increase of salary to any officer of the State or either of the branch banks;

Were read, and ordered to a second reading.

The bill from the Senate to more fully explain the 1st, 2d, 3d and 4th sections of the 14th chapter of the penal code, upon the subject of pardoning and reprieving, was read the first time.

Mr Clemens moved that the bill lie on the table; which was lost.

It was then referred to the committee on the penal code.

Bills from the Senate of the following titles, to wit:

An act for the relief of Bethel Homes;

An act to compel the commissioners and officers of the different banks in this State to make their reports according to law;

An act for the relief of T. G. R. Shannon;

An act to authorize the tax collector of Jackson county to receive jurors' certificates and State claims that have become a county charge, in payment of taxes of said county;

An act to regulate writs of error;

An act to amend an act for the government of the port and harbor of Mobile, approved December 23, 1822;

An act respecting depositions, &c.;

An act to establish jury trials in justices' courts in certain counties in this State, and to regulate the proceedings therein;

An act to amend the charter of the Alabama life insurance and trust company of Mobile;

An act to expedite the settlement of the estates of deceased persons; and

An act to amend an act entitled an act more effectually to provide for discoveries in suits at common law, approved December 23, 1837:

Were severally read the first time, and ordered to a second reading.

The bill from the Senate to amend an act to incorporate the Marion female association, approved January 9th, 1841, was read the first time, and the con-

stitutional rule being suspended, it was read the second and third times forthwith, and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate authorizing the State bank and its several branches to appoint bank marshals, was read the first and second times forthwith, and referred to the committee on the State bank and branches.

The bill from the Senate to regulate the purchase of bills of exchange by the branch of the bank of the State of Alabama at Mobile, was read the first and second times, and referred to the committee on the State bank.

The bill from the Senate to repeal in part and amend the law regulating the practice in chancery courts, was read the first and second times forthwith, and referred to the judiciary committee.

Ordered that the House concur in the amendments made by the Senate to the bill to regulate the proceedings of the circuit court of Montgomery county, and for other purposes.

Ordered that the House concur in the amendments made by the Senate to the resolution proposing to go into the election of solicitors of the 8th and 9th judicial circuits.

Ordered that the House concur in the amendments to the bill to extend the time for collecting the county, school and road tax in the county of Mobile, for the year 1841, and for other purposes.

Ordered that the clerk acquaint the Senate therewith.

Mr Crawford presented the petition of citizens of the town of Irwinton; which was read, and referred to the delegation of Barbour county.

Mr Hunter presented the petition of Clayton R. Woods and others; which was read, and referred to the committee on roads, bridges and ferries.

Messrs Morgan, Walker of L. and Perkins presented accounts. They were severally read, and referred to the committee on accounts.

Mr Davis of B. presented the petition of citizens of Bibb county; which was read, and referred to the committee on education.

Mr Taylor introduced a bill to give justices of the peace jurisdiction for the trial of certain cases of assaults and battery; which was read.

Mr Hutchinson moved to postpone the bill indefinitely; which was lost.— Yeas 18, nays 70.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Barron, Bradley, Chiles, Covington, Davenport, Davis of B. Ford, Griffin of S. Henry, Henslee, Houston, Hutchinson, Jones of Cov, Perkins, Rice, Smith of T. Strode and Young.

Those who voted in the negative are, messrs Speaker, Alexander of Low. Allen, Armbrister, Barker, Bishop, Cain, Clemens, Crenshaw, Crawford, Davis of L. Erwin, Fletcher, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Hogan, Hunter, James, Jones of Con. Jones of m. Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, McAlister, B. Mcalpin, R. Mcalpin, S. Mcalpin, McLeod, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Morgan, Musgrove, Norman, Norris, Norwood. Phillips, Randolph, Reynolds, Rhodes, Rogers, Rushing, Scott, Smith of H. Smith of J. Smith of L. Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston and Young.

The bill was ordered to a second reading.



Mr Randolph introduced the petition of citizens of Jefferson county; which was read, and referred to the committee on roads, bridges and ferries.

Mr Smith of L. presented the petition of citizens of Lauderdale county; which was read, and referred to the judiciary committee.

Mr Smith of L. presented the petition of citizens of Lauderdale county; which was read, and referred to the committee on propositions and grievances.

Mr. Haughton introduced a bill amendatory of an act, relating to commissioners appointed to allot and set off dower, and for other purposes, which was read and ordered to a second reading.

Mr. Hammond introduced a bill for the relief of Tales Jurors in the county of St. Clair, and other counties, which was read the first and second time forthwith, and the third time forthwith.

Mr. Rice moved to amend it after the word "Shelby," insert Talladega, Randolph, Pike, and Walker, which was adopted, and the bill considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr. Clitherall :

*Mr. Speaker :* The Senate has passed bills from the House of Representatives, of the following titles :

An act fixing the times of hold justices courts in the counties of Coosa and Autauga, and for other purposes.

An act to compel the County Treasurer of Pickens county to reside at or near the county site.

An act to incorporate the Mobile Hook and Ladder Company, No. 1, and fire companies, Nos. 3, 6, and 7, of the city of Mobile, and

An act to repeal in part and amend an act, entitled an act to incorporate the Selma and Tennessee Railroad company, approved December 22, 1836.

They concur in the amendment made by the House, to the bills entitled,

An act to ascertain and fix permanently the line between the counties of Madison and Jackson.

An act to fix and permanently establish the boundaries of the 48th and 59th regiments of Alabama militia, in the city and county of Mobile.

They have also passed bills which originated in the Senate, of the following titles, to wit :

An act to amend an act incorporating the Madison Turnpike Company, approved January 14th, 1834.

An act compensating losses occasioned by pressing a horse in the Creek service.

An act to confirm the will of Martin Kirby, late of Mobile county—amended.

An act to incorporate the Stockton Steam Boat and Ware House Company, in the County of Baldwin.

An act to renew Medical Permits in certain cases.

An act to authorize the executors of David White, deceased, to administer said descedants estate in the County Courts of certain counties therein named.

An act to provide for the removal of the seat of Government.

Joint resolutions authorizing Arthur Foster, to draw and receipt for the pay of John H. Garrett, deceased, late a member of the House of Representatives, for the County of Cherokee.

In all of which they ask the concurrence of the House of Representatives.

They have amended the bill for the relief of Harriet Hatfield, and others, so as to make its provisions apply solely to said Harriet Hatfield.

Mr. Mason introduced a bill in relation to causeways, in the county of Wilcox, which was read the first and second time, forthwith, and referred to the committee on roads, bridges and ferries.

Mr. Hogan from the committee on the State Bank and branches, to which was referred the bill to establish an office of discount and deposit at Selma, reported it inexpedient.

Ordered that said report lie on the table.

The same committee to which was referred, the bill to incorporate the Tallapoosa manufacturing company, reported to the House, and recommended its reference to the judiciary committee; the bill was ordered to be engrossed for a third reading.

The same committee to which was referred the bill to reduce the salary's of the Bank officers, reported the same as inexpedient.

Mr. Hogan moved to lay the bill and report on the table, which was lost, yeas 18, nays 68:

The yeas and nays being demanded,

Those who voted in the affirmative, were Messrs. Allen, Covington, Erwin, Hogan, Houston, Hutchinson, Jemison, B. McCalpin, R. McAlpin, Mitchell, Moors, Norman, Perkins, Reynolds, Rushing, Smith of T. Strode and Ware.

Those who voted in the negative, were Messrs. Speaker, Alexander of Land., Alexander of Low. Arnibrester, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B. Davis of L. Fletcher, Ford, Garland, Gresham, Griffin of J. Griffin of M. Griffin of S. Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hunter, James, Jones of Con. Jones of Cov. Jones of M. Justice, King, Marchbanks, Mason, McAllister, S. McAlpin, McLeod, McMillion of B. Mcmillion of J. Moore, Morgan, Mundy, Musgrove, Norris, Norwood, Phillips, Randolph, Rice, Rhodes, Rogers, Scott, Smith of H. Smith of J. Smith of L. Steel, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, and Wynn.

Mr. Bishop moved the following amendment,

*Be it further enacted, That the salaries of the Comptroller of public accounts, of the Treasurer of the State and of the Secretary of State, is hereby reduced to eight hundred dollars per annum, to each of these officers—Provided however, that the provisions of this act shall apply only to officers to be hereafter elected.*

Mr. Hutchinson moved to amend Mr. Bishops amendment with the following:

Sec. *And be it further enacted, That the pay of members of the General Assembly, shall not hereafter exceed one hundred dollars.*

Mr. Norwood moved to refer it to a select committee, which was lost.

Mr. Crenshaw made the following report:

The committee on Enrolled Bills, have examined and find correctly enrolled,

An act for the better securing mechanics, in the city and county of Mobile.

An act to establish an additional regiment of the militia of this State, in the county of Talladega.

Mr. Clemens from the select committee to which was referred the act reg-

ulating punishments under the Penitentiary system, together with sundry bills and resolutions, in relation thereto, reported a bill to amend an act, to regulate punishments under the Penitentiary system, approved January 7, 1841, which was read the first and second time forthwith.

The Senate by invitation, repaired to the Representatives Hall, and proceeded to the election of a Solicitor of the 8th Judicial Circuit.

JOHN F. STEINER, SAMPSON W. HARRIS, WM. W. MORRIS and THOMAS S. MAYS, being in nomination.

Those who voted for mr. Harris, are of the Senate, messrs. Clarke, Dailey, Hall, Lea, Phillips, Rodgers and Watrous; and messrs. Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Griffin of J., Hogan, Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, R. McAlpin, Musgrove, Randolph, Rice, Rhodes, Rushing, Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey—37.

Those who voted for mr. Mays are, messrs. President, Baylor, Brindley, Buford, Creagh, Hudson, Hunter, King, Oliver, Ross, Thornton, Toulmin and Womack of the Senate; and Barron, Bradley, Chiles, Cochran, Erwin, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware of the House—24.

Those who voted for mr. Morris are, messrs McClanahan, McConnell, Turner, and Wilson of J., of the Senate; and messrs Speaker, Alexander of Land. Alexander of Lowndes, Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Jones of Cov., King B. McAlpin, S. McAlpin, McLeod, McMillion, of B. McMillion of J., Morgan, Reynolds, Smith, of J. Steele, Taylor, Walker of Benton, Wynn and Young of the House—30.

Those who voted for mr. Steiner are, messrs Andress, Dent, Foster, McAllister and Reese of the Senate; and messrs Davis of B., Gresham, Griffin of S. Harris, Houghton, Heflin, Henry, Henslee, Houston, Jones of Cov., Mason, Norman, Norwood, Norris, Perkins, Phillips, Rodgers, Scott, Smith of H. Smith of L. Smith of T. and Stinson of the House—31.

Neither having received a majority of the whole number of votes given, the Senate proceeded to vote a second time.

Those who voted for mr. Harris are, messrs Andress, Clarke, Dailey, Hall, Lea, Phillips, Rodgers, and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Griffin, of J. Hogan, Hunter, Jones of M. Jemison, Justice, Marchbanks, R. C. McAlpin, Randolph, Rice, Rhodes, Rushing, Smith of T. Storrs, Strode, Troup, Valliant, Walker of L. Wallace, Winston and Yancey of the House—37.

Those who voted for mr. Mays are messrs President, Baylor, Brindley Buford, Creagh, Dent, Hudson, Hunter, King, Oliver, Ross, Thornton, Toulmin, and Womack of the Senate; and Bradley, Chiles, Cochran, Erwin, Hutchinson, James, Jefferson, Mitchell, Mundy, and Ware of the House—24.

Those who voted for mr. Morris are messrs McClanahan, McConnell, Turner, Wilson of J. of the Senate; and messrs Speaker, Alexander, of Land. Alexander of Lowndes, Armbrister, Bishop, Cain, Davis, of L., Fletcher, Garland, Griffin of M. Hammond, Jones of Cov. King, B. McAlpin S. McAlpin, McLeod, Memillion of B., Memillion of J., Morgan, Norman, Reynolds, Smith of J., Steele, Taylor, Walker, of B., Wynn, and Young of the House—31.

Those who voted for mr. Steiner are, messrs Foster, McAllister, and Reese of the Senate; and messrs Barron, Davis of B., Ford, Gresham, Griffin of S.,

Harris, Haughton, Henry, Henslee, Houston, Kennedy, Jones of Con. Mason, McAllister, McLemore, Moore, Moors, Norris, Norwood, Perkins, Phillips, Rodgers, Scott, Smith of H. Smith of L. and Stinson—30.

Neither having received a majority of the whole number given, the two Houses proceeded to ballot a third time.

Those who voted for mr Harris are, messrs. Andress, Clarke, Dailey, Hall, King, Lea, Phillips, Rodgers, and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Griffin, of J., Hunter, Jones of M. Jemison, Justice, Kennedy, Marchbanks, R. C. McAlpin, Moore, Musgrove, Randolph, Rice, Rhodes, Rushing, Smith of J. Storrs, Strode, Troup, Valliant, Walker, of L. Wallace, Winston, and Yanucy—39.

Those who voted for mr Mays are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Alexander, of Lowndes, Bradley Chiles, Cochran, Davis, of B., Erwin, Hogan, Hutchinson, James, Jefferson, Mitchell, Mundy, and Ware of the House—26.

Those who voted for mr. Morris are, messrs McClanahan, McConnell, Turner and Wilson of J., and messrs Speaker, Alexander, of Laud. Armbrister, Bishop, Cain, Davis of L. Fletcher, Gariand, Griffin of M., Hammond, Jones of Cov. King, B. McAlpin, S. McAlpin, McLeod, Mcmillion of B. Mcmillion, of J., Morgan, Norman, Reynolds, Smith of L., Steele, Taylor, Walker, of B., Wynn and Young—30.

Those who voted for mr Steiner are, messrs Foster, McAlister and Reese, of the Senate; and messrs Barron, Ford, Gresham, Griffin of S. Harris, Haughton, Heflin, Henry; Houston, Jones of Cov. Mason, Mcalister, McLemore, Moores, Norris, Norwood, Perkins, Rogers, Scott, Smith of H. Smith of L. and Stinson.

Neither having received a majority, the two Houses proceeded to ballot a fourth time.

Those who voted for mr Harris are, messrs Andress, Clarke, Dailey, Hall, King, Lea, Phillips, Rodgers and Watrous, of the Senate; and messrs Allen, Barker, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport, Griffin of J. Haughton, Houston, Hunter, Jones of m. Jemison, Justice, Marchbanks, R. C. Mcalpin, Moore, Musgrove, Perkins, Randolph, Rice, Rhodes, Rushing, Smith of T. Storrs, Strode, Troup, Valliant, Walker of L. Wallace, Winston and Young, of the House.—41.

Those who voted for mr Mays are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Ross, Toulmin, Thornton and Womack, of the Senate; and messrs Alexander of Low. Bradley, Chiles, Davis of B. Erwin, Garland, Harris, Hogan, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware.—27.

Those who voted for mr Morris are, messrs Foster, McClanahan, McConnell, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud; Armbrister, Bishop, Cain, Davis of L. Fletcher, Griffin of mr. Griffin of S. Hammond, Jones of Con. Jones of Cov. King, B. Mcalpin, S. Mcalpin, McLeod, Mcmillion of B. Mcmillion of J. Morgan, Norman, Reynolds, Smith of J. Steele, Taylor, Walker of B. Wynn and Young.—31.

Those who voted for mr Steiner are, messrs McAlister and Reese, of the Senate, and messrs Barron, Ford, Gresham, Griffin of S. Heflin, Henry, Hens-

lee, Kennedy, Mason, McAlister, McLemore, Moores, Norris, Norwood, Phillips, Rogers, Scott, Smith of H. Smith of L. and Stinson, of the House.—22.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot the fifth time, the name of mr Steiner, having been withdrawn.

Those who voted for mr Harris are, messrs Andress, Clarke, Dailey Hall, King, Lea, McAlister, Phillips, Rodgers and Watrous, of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of J. Griffin of S. Haughton, Henry, Henslee, Houston, Hunter, Jones of m. Jemison, Justice, Kennedy, Marchbanks, McAlister, R. C. Mcalpin, Moore, Moores, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes, Rushing, Scott, Smith of H. Smith of T. Storrs, Strode, Troup, Valliant, Walker of L. Wallace, Winston and Yancey, of the House. 53.

Those who voted for mr Mays are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Reese, Ross, Thornton, Toulmin and Womack, of the Senate; and messrs Alexander of Lowndes, Barron, Bradley, Chiles, Cochran, Davis of B. Erwin, Harris, Hogan, Hutchinson, James, Jefferson, Mason, McLemore, Mitchell, Mundy, Smith of L. and Ware, of the House.—32.

Those who voted for mr Morris are, messrs Foster, McClanahan, McConnell, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud, Armbrister, Bishop, Cain, Davis of L. Fletcher, Garland, Griffin of m. Hammond, Heflin, Jones of Con. Jones of Cov. King, B. McAlpin, McLeod, Mcmillion of B. Mcmillion of J. Morgan, Norman, Norris, Phillips, Reynolds, Rogers, Smith of J. Steele, Stinson, Taylor, Walker of B. Wynn and Young of the House.—39.

Neither having received a majority, the two Houses proceeded to ballot the sixth time.

Those who voted for mr Harris are, messrs Andress, Clarke, Dailey, Hall, King, Lea, McAlister, Phillips, Rodgers and Watrous, of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of J. Griffin of S. Haughton, Henry, Henslee, Houston, Hunter, Jones of m. Jemison, Justice, Kennedy, Marchbanks, McAlister, R. C. Mcalpin, Moore, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes, Rogers, Rushing, Smith of H. Smith of T. Storrs, Strode, Troup, Valliant, Walker of L. Wallace, Winston and Yancey, of the House.—52.

Those who voted for mr Mays are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Oliver, Reese, Ross, Thornton, Toulmin and Womack, of the Senate; and messrs Barron, Bradley, Chiles, Cochran, Davis of B. Erwin, Harris, Hogan, Hutchinson, James, Jefferson, Mason, McLemore, Mitchell, Moores, Mundy, Scott, Smith of L. and Ware, of the House. 32.

Those who voted for mr Morris are, messrs Foster, Hunter, McClanahan, McConnell, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud, Alexander of Lowndes, Armbrister, Bishop, Cain, Davis of B. Fletcher, Garland, Griffin of m. Hammond, Heflin, Jones of Con. Jones of Cov. King, B. Mcalpin, S. Mcalpin, McLeod, Mcmillion of J. Mcmillion of B. morgan, Norwood, Norris, Phillips, Reynolds, Smith of J. Steele, Stinson, Taylor, Walker of B. Wynn and Young, of the House.—38,

Neither having received a majority, the two Houses proceeded to ballot again.

Those who voted for Mr Harris are, messrs Address, Clarke, Dailey, Hall, Hudson, King, Lea, McAlister, Phillips, Rodgers and Watrous, of the Senate; and messrs Allen, Barker, Clemens, Cochran, Covington, Crawford, Davenport, Erwin, Ford, Gresham, Griffin of J. Griffin of S. Harris, Haughton, Henry, Henslee, Houston, Hunter, Hutchinson, Jones of M. Jemison, Justice, Kennedy, Marchbanks, Mason, McAlister, R. C. McAlpin, Moore, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes, Rogers, Rushing, Scott, Smith of H. Smith of L. Smith of T. Storrs, Strode, Troup, Valliant, Walker of L. Wallace, Winston and Yancey, of the House.—60.

Those who voted for Mr Mays are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Oliver, Ross, Thornton, Toulmin and Womack, of the Senate; and messrs Barron, Bradley, Chiles, Hogan, James, Jefferson, McLeomore, Mitchell, Mundy and Ware, of the House.—21.

Those who voted for Mr Morris are, messrs Foster, Hunter, McClanahan, McConnell, Reese, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Alexander of Lowndes, Armbrister, Bishop, Cain, Davis of B. Davis of L. Garland, Griffin of M. Hammond, Hefflin, Jones of Con. Jones of Cov. B. McAlpin, S. McAlpin, McLeod, McMillion of B. McMillion of J. Moores, Morgan, Norman, Phillips, Reynolds, Smith of J. Steele, Stinson, Taylor, Walker of B. Wynn and Young—39.

Neither having received a majority, the two Houses proceeded to ballot the eighth time, the name of Mr Mays having been withdrawn.

Those who voted for Mr Harris are, messrs Address, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Hall, Hudson, King, Lea, McAlister, Oliver, Phillips, Rogers, Thornton, Watrous and Womack, of the Senate; and messrs Allen, Barker, Chiles, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport, Erwin, Ford, Gresham, Griffin of M. Griffin of S. Harris, Haughton, Henry, Henslee, Houston, Hunter, Hutchinson, James, Jones of M., Jemison, Justice, Kennedy, Marchbanks, Mason, McAllister, R. C. McAlpin, Moore, Mundy, Musgrove, Norwood, Randolph, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H., Smith of L., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey, of the House—70.

Those who voted for Mr Morris are, messrs President, Baylor, Foster, Hunter, McClanahan, McConnell, Reese, Ross, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Low., Armbrister, Barron, Bishop, Cain, Davis of B., Fletcher, Garland, Griffin of M., Hammond, Hefflin, Hogan, Jones of Con., Jones of Cov., Jefferson, King, B. McAlpin, S. McAlpin, McLeomore, McLeod, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Norman, Norris, Phillips, Reynolds, Smith of J., Steele, Stinson, Walker of B., Taylor, Wynn and Young—51.

Mr Ware voting for Mr Mays—1.

Mr Harris having received a majority of the whole number of votes given, Mr Speaker declared him duly elected solicitor of the eighth judicial circuit, for the term prescribed by law.

The two Houses next proceeded to the election of a solicitor for the 9th judicial circuit; messrs T. B. COOPER, T. G. GARRETT and W. O. WINSTON, being in nomination.

Those who voted for Mr Cooper were of the Senate, messrs Address, Bu-



ford, Dent, Foster, *Hunter*, Lea, Oliver, Phillips, Reese, Thornton, Watrous; and messrs Barron, *Bradley*, Covington, Crenshaw, Davis of B., Erwin, Ford, Gresham, Griffin of S., *Henry*, *Hutchinson*, Jones of Con., Jemison, Justice, S. McAlpin, McLeomore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Storrs, Stinson, Wallace, Ware and Young, of the *House*—41.

Those who voted for mr Garrett were, messrs Baylor, Clarke, Creagh, *Hudson*, McConnell, Ross, Rodgers and Womack, of the Senate; and messrs Alexander of Low., Allen, *Barker*, Bishop, Cain, Clemens, Cochran, Crawford, Davenport, *Harris*, *Hunter*, Jones of Cov., Jones of M., Kennedy, R. C. McAlpin, McLeod. Smith of H., Smith of L., Steele, Troup, Valliant and Walker of B., of the *House*—30.

Those who voted for mr Winston, are, messrs President, Dailey, *Hall*, King; McAllister, McClanahan, Toulmin, Turner and Wilson of J., of the Senate, and messrs Speaker, Armbrister, Chiles, Davis of L., Fletcher, Garland, Griffin of J., Griffin of m., *Hammond*, *Haughton*, *Heflin*, *Henslee*, *Hogan-Houston*, James, Jefferson, King, *Marchbanks*, Mason, McAllister, B. McAlpin, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of L., Wynn and Yancy—48.

Neither having received a majority of the whole number of votes given, the two *Houses* proceeded to ballot again.

Those who voted for mr Cooper are messrs Andress Buford, Dent Foster, Lea, Oliver, Phillips, Thornton and Watrous of the Senate, and messrs Barron, Bradley, Covington, Crenshaw, Davis of B., Erwin, Ford, Griffin of S. Harris; *Henry*, *Hutchinson*, Jones of Con. Jemison, Justice, McLeomore, Mitchell, moors, mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T. Wallace, and Ware of the *House*—35.

Those who voted for mr Garrett are, messrs Baylor, Clarke, Creagh, *Hudson*, *Hunter*, McConnell, Ross and Womack of the Senate; and messrs Alexander of Lowndes, Barker, Bishop, Cain, Clemens, Cochran, Crawford, Davenport, Garland, Gresham, *Hunter*, Jones of Cov., Jones of m., Kennedy, R. C. McAlpin, S. McAlpin, McLeod, Smith of H., Smith of L., Steele, Storrs, Stinson, Troup, Valliant, Walker of B., and Young of the *House*—35.

Those who voted for mr Winston are, messrs President, Dailey, *Hall*, King, McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner, and Wilson of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Chiles, Davis of L., Fletcher, Griffin of J., Griffin of m., *Hammond*, *Haughton*, *Heflin*, *Henslee*, *Houston*, James, Jefferson, King, *Marchbanks*, Mason McAllister, B. McAlpin, McMillion of B. McMillion of J. Moore, Morgan, Musgrove, Norman, Phillips, *Randolph*, Reynolds, Rice, Rodgers, Rushing, Smith of J. Strode, Taylor, Walker of Lawrence, Wynn and Yancey of the *House*—50.

Neither having received a majority of the whole number of votes given, the two *Houses* proceeded to vote again.

Those who voted for mr. Cooper are, messrs Aandress, Buford, Foster, Oliver, Phillips, Thornton, and Watrous, of the Senate; and messrs Barron, Bradley, Covington, Davis of B. Erwin, Ford, Griffin of S. Harris, Henry, *Hutchinson*, Jones of Con., Justice, McLeomore, Mitchell, Moors, Norris, Norwood, Rhodes, Smith of T. and Ware of the *House*—21.

Those who voted for mr Garrett are, messrs. Baylor, Clarke, Creagh, Dent,

Hudson, Hunter, Lea, McConnell, Ross, and Womack, of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Bishop, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Gresham, Hunter, Jones of Cov. Jones of m. Jemison, Kennedy, R. C. McAlpin, S. McAlpin, McLeod, Mundy, Perkins, Scott, Smith of H. Smith of L. Steele, Storrs, Stinson, Troup, Valliant, Walker of B. Wallace and Young of the House—42.

Those who voted for mr. Winston are, messrs. President, Dailey, Hall, King, McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner, and Wilson, of J., of the Senate; and messrs Speaker, Alexander, of L., Armbrister, Chiles, Davis, of L., Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, Memillion of B. Memillion, of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of L., Wynn, and Yancey, of the House of Representatives—51.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a fourth time. The name of mr. Cooper having been withdrawn.

Those who voted for mr. Garrett are, messrs Address, Baylor, Buford, Clarke, Creagh, Dent, Hudson, Hunter, King, Lea, McConnell, Phillips, Ross, and Womack of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Bishop, Bradley, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of S., Harris, Hunter, Hutchinson, Jones of Con. Jones of Cov., Jones, of m., Jemison, Justice, Kennedy, R. C. McAlpin, S. McAlpin, McLemore, McLeod, moores, mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of H., Smith of L., Smith of T., Steele, Storrs, Stinson, Troup, Valliant, Walker of B., Wallace, Ware and Young—59.

Those who voted for mr Winston are, messrs President, Dailey, Foster, McAllister, McClanahan, Rodgers, Toulmin, Turner, Watrous, and Wilson, of J., of the Senate; and messrs Speaker, Alexander, of Laud. Armbrister, Chiles, Covington, Davis of B., Davis, of L., Erwin, Fletcher, Garland, Griffin of J., Griffin of m., Hammond, Haughton, Heflin, Harris, Henslee, Hogan, Houston, James, Jefferson, King, marchbanks, mason, McAllister, B. McAlpin, memillion of B., memillion, of J., mitchell, moore, morgan, musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of Law., Wynn, and Yancey, of the House—55.

messrs Thornton and Oliver of the Senate, and mr. Barron of the House, voted for mr Cooper.

mr Garrett having received a majority of the whole number of votes given. mr. Speaker declared him duly and constitutionally elected solicitor of the ninth judicial circuit, for the term prescribed by law.

The two Houses next proceeded to the election of five individuals to constitute a medical board for Livingston, Sumter county, Alabama.

messrs ARRINGTON, HAUGHTON, POSEY, SCHERLOCK and WHITING, being in nomination.

Those who voted for mr Arrington are, messrs President, Baylor, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner, and Womack, of the Senate; and messrs Speaker, Alexander of Lowndes Allen; Armbrister, Barker, Bradley; Chiles, Coving-

ton, Crenshaw, Davis of B., Davis of L., Erwin, Fletcher, Ford, Garland, Gresham, Griffin of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Reynolds, Rice, Rodgers, Rushing, Scott, Smith, of H. Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Ware, Winston, Wynn, Yancey and Young of the House of Representatives—81.

Those who voted for Mr Haughton are, messrs President, Andress Baylor, Buford, Creagh, Dailey, Dent, Hall, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner, and Womack, of the Senate, and messrs Speaker, Alexander, of Land., Armbrister, Barker, Barron, Bradley, Chiles, Clemens, Covington, Crenshaw, Davis of B., Davis of L., Erwin, Fletcher, Ford, Garland, Bishop, Griffin of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Henslee, James, Jones of Con., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Young, and Yancey, of the House—83.

Those who voted for Mr Posey are of the Senate, messrs President, Andress, Baylor, Buford, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner, and Womack; and messrs Speaker, Alexander, of L., Allen, Armbrister, Barker, Bradley, Chiles, Clemens, Covington, Crenshaw, Davis of B., Erwin, Fletcher, Ford, Garland, Gresham, Griffin, of M., Hammond, Harris, Haughton, Heflin, Henry, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker, of B., Walker, of L., Ware, Winston, Wynn, Yancey, and Young, of the House—83.

Those who voted for Mr Scherlock are of the Senate, messrs President, Baylor, Buford, Creagh, Dailey, Dent, Hall, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack; messrs Speaker, Alexander, of Lowndes, Allen, Armbrister, Barker, Barron, Chiles, Covington, Gresham, Davis, of B., Erwin, Fletcher, Ford, Griffin, Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Yancey, and Young, of the House—80.

Those who voted for Mr Whiting were of the Senate, messrs President, Andress, Baylor, Buford, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner, and Womack; and messrs Speaker, Alexander, of Lowndes, Allen, Armbrister, Barker, Bradley, Covington, Crenshaw, Davis of B., Erwin, Fletcher, Ford, Garland, Gresham, Griffin, of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Ken-

Hedy, King, Marchbanks, Mason, B. McAlpin, R. O. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker, of L., Ware, Winston, Wynn, Yancey and Young, of the House.—79.

Messrs Arrington, Haughton, Posey, Scherlock, and Whiting, having received a majority of the whole number of votes given, Mr. Speaker declared them duly elected a medical board of Livingston for the term prescribed by law.

The Senate then withdrew and the House adjourned until 10 o'clock tomorrow morning.

WEDNESDAY, DECEMBER 8, 1841.

The House met pursuant to adjournment.

Jno M. Hendricks, the member elect from the County of Cherokee, appeared within the bar of the House, was qualified, and took his seat.

Messrs. Moore, Walker and Scott presented accounts—they were severally read and referred to the committee on Accounts.

Mr. Walker of B. presented documents relative to Bank frauds, which was read, and referred to the Joint committee on Bank frauds.

Mr. Davis of L. introduced a bill, for the relief of John Evans, which was read and ordered to a second reading.

Mr. Griffin of M. presented the petition of citizens of Marshall county, which was read and referred to the committee on roads, bridges and ferries.

Mr. Fletcher presented the petition of citizens of Marshall county, which was read and referred to the committee on propositions and grievances.

Mr. Hogan presented the petition of citizens of Mobile county, which was read and referred to the military committee.

Mr. Erwin presented the petition of citizens of mobile county, which was read and referred to the committee on propositions and grievances.

Mr. Gresham introduced a Joint resolution, which was read and ordered to a second reading.

Mr. Jemison from the committee on the State Bank and branches, to which was referred the bill to place in liquidation the Branch of the Bank of the State of Alabama, at Decatur, reported a bill in lieu thereof.

Mr. Reynolds moved to postpone the consideration of it until Monday next, and make it the special order of the day, and print 200 copies, which was carried.

Mr. Hogan from the committee on the State Bank and branches, to which was referred the bill, better to secure debts due the State Bank and branches, reported the same as inexpedient, the committee were discharged and the bill was referred to a select committee,

Whereupon messrs: Winston, Mitchell, Jemison, Jones of M. and Griffin of J. were appointed said committee.

Mr. Taylor from the committee on propositions and grievances to which was referred the petition of Augustin Demouy, reported a bill to authorize the emancipation of certain slaves, therein mentioned, which was read and ordered to a second reading.

Mr. Mitchell made the following report :

The committee on Enrolled Bills, have examined and find correctly enrolled,

An act to amend the charter of the Planters and Merchants Bank of Mobile.

An act to alter the manner of compensating executors and administrators, in certain cases.

An act to confirm the will of Thomas murphy, deceased.

An act to change the time of convening the General Assembly.

An act to authorize Northorn E. Chandler, of Sumter county, to sell goods, wares and merchandize, without license and free of tax in said county.

Mr. Griffin of S. made the following report :

The committee on Enrolled Bills, have examined and find correctly enrolled, bills of the following titles, to wit :

An act to incorporate the Mobile hook and ladder company, No. 1, and Nos, 3, 6, and 7, of the city of Mobile.

An act to compel the County Treasurer of Pickens county, to reside at or near the the county site.

An act fixing the time of holding justices courts, in the counties of Coosa and Autauga, and for other purposes.

A message from the Senate by Mr. Clitherall :

*Mr. Speaker* : The Senate has passed bills of the following titles. to wit :

An act to change the mode of appointing appertioners, within the County of Walker.

An act authorizing an additional Surveyor for Sumter county.

An act to change the name of Alfred B. Palmore.

An act to require the County officers of Marshall county, to receive certain claims therein named.

Joint resolutions in regard to certain records.

They have also passed bills which originated in the Senate, of the following titles :

An act to regulate and fix the fees of witnesses, where the State is a party.

An act authorizing the Commissioners Court for Talladega county, to lay a tax, for certain purposes.

An act for the relief of Ellison Warren, late tax collector of Barbour county.

An act to accept the two per cent fund.

They have also adopted the following resolution :

*Resolved*, That with the concurrence of the *House of Representatives*, the two houses of the General Assembly. will adjourn, *sine die*, on Saturday, the 25th December, inst., in all of which they ask the concurrence of the *House of Representatives*.

Mr. Jemison introduced the following :

The committee on the State Bank and branches, have instructed me to ask of the House of Representatives, to adopt the following resolution, viz :

*Resolved*, That Monday, the 13th inst. be set a part for the consideration of the several matters then pending in relation to the State Bank and branches and that the same be made the special order of the day, from day to day, until they in their regular order are disposed of, which was negatived—yeas 40, nays 49.

The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs. Speaker, Alexander of Low. Allen, Bishop, Bradley, Clemens, Davenport, Hammond, Heflin, Hogan, Hunter, Hutchinson, Jones of M. Jefferson, Jemison, Marchbanks, ma-

son, McAlpin, McAllister, R. McAlpin, S. McAlpin, McLeod, Mitchell, Moores, Morgan, Norris, Norman, Perkins, Randolph, Rhodes, Rogers, Scott, Smith of H., Storrs, Taylor, Wallace, Winston. Woodward, Wynn, Yancey and Young.

Those who voted in the negative, were messrs. Alexander of Laud. Armbrister, Barker, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B., Fletcher, Ford, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S. Harris, Haughton, Henry, Hendricks, Henslee, Houston, James, Jones of Con. Justice, Kennedy, King, B. McAlpin, McLemore, McMillion of B. McMillion of J. Moore, Mundy, Musgrove, Norris, Phillips, Reynolds, Rice, Rushing, Smith of J., Smith of L., Smith of T. Steele, Strode, Stinson, Troup, Valliant, Walker of B. Walker of L.

Mr Hogan made the following report :

The committee on the State Bank and branches to whom was referred a resolution, that the committee on the State Bank and branches be instructed to inquire into and report to this House, in a condensed form, the amount and condition of the sinking fund, of said Bank and Branches, have had the same under consideration and have instructed me to report, that in the year 1835, an act was approved entitled an act to create a sinking fund, for the ultimate redemption of the State Bonds. [See Digest, p. 583.] The 1st section of this act directs, that the President and Directors of the State Bank and branches shall set apart all the profits of their respective Banks, after first paying the current expenses, and the annual or semi-annual interests on the State Bonds, and such sums as may, from time to time be set apart for the support of Government.

The 2d section provides, that all sums thus set apart "after having paid first the current expenses of the Bank: secondly, the semi-annual or annual interest on the State Bonds: thirdly, the 6 per cent. interest on the University funds." shall be known and denominated "the sinking fund."

The 3rd section authorizes the different banks to discount on that fund, but provides that all profits arising therefrom shall exclusively belong to and form a part of said fund.

The 4th section makes it the duty of the President of each branch bank to make out a report of said fund on the *1st of October of each and every year*—and send the same to the President of the State bank, whose duty it then becomes, under the same section, to condense the several reports into a general statement, which is to be laid before each House within the first week of every session of the General Assembly.

The 5th section directs that when any of the State bonds fall due, they shall be paid out of the sinking fund, under the order of the Legislature.

Thus we find that all the profits are called the sinking fund; but the banks have adopted an erroneous method of keeping this account, setting down what interest each note is subject to, in lieu of that which is actually received, if a calculation were made on this principal by each bank, it would be readily seen that the interest on the bonds and the other claims of the State, could not be met from this fund, the bonds alone amount to eleven and a half millions of dollars, drawing an annual payment of interest amounting to six hundred thousand three hundred and thirty dollars; one half of this sum is due in New York and the balance in London; therefore, in order to sustain the honor and credit of the State, funds receivable in London must be procured



at whatever rate of interest it may cost, and in addition to the nominal interest on the State bonds, which alone is \$600,380, we must calculate the expenses and cost of placing that sum annually in London and New York, that is their respective portions in each place, this item your committee have no means of ascertaining, as it must fluctuate annually, and of course increase or diminish the sinking fund.

The other demands on this fund are the annual appropriations for the support of the State Government, those for internal improvement, the school fund, &c. &c. The paper marked A. and hereto attached, contains a full statement of the operations on this fund from 1836 to November, 1841, in the State bank only. This statement shows a balance in favor of the fund; but this balance, like the fund itself, is merely *nominal*; and there can be no doubt that if the bad debts, which each bank admits are lost, were charged to the sinking fund, it would be seen that this fund is exhausted, and that the several payments were made out of the capital of the banks.

The committee would also respectfully submit as a part of their report, a paper marked B., which exhibits the amount of appropriations of money; all of which was intended and supposed to have been paid out of the sinking fund, and divided *pro rata* between the State bank and its four branches; but which, as is evident from the actual condition of these banks, as set forth in their annual reports, must be paid out of the capital of the several banks.

The remarks of the President of the branch at Huntsville, are so just and accurate, and so much to the point, that your committee must beg leave to add it to this report, (marked C.)

Your committee have come to the conclusion, that although the banks have exhibited this fund in the following manner, viz:

State bank; account of sinking fund, 1841,	-	-	\$168,168	19
Huntsville branch, ditto	ditto	ditto	-	126,759 80
Decatur bank, ditto	ditto	ditto	-	411,801 38
Montgomery bank ditto	ditto	ditto	-	436,381 53
Mobile branch bank ditto	ditto	ditto	-	1,414,152 55
				<hr/>
				\$2,557,263 45

Yet this showing cannot be true, as heavy appropriations have been paid by the banks and not charged to that fund, and the losses sustained by the banks in bad debts (and which if the banks are closed will be totally lost) ought of right and should be charged to the sinking fund, it will then be left greatly indebted to the banks.

The committee therefore respectfully submit this report, and ask leave to be discharged from the further consideration thereof.

(Signed.)

JOHN B. HOGAN, Chairman.

Ordered that said reports and accompanying documents lie on the table, and that one thousand copies be printed--which was carried.

Mr. McAllister, from the military committee, to which was referred the petition of sundry officers of the 59th regiment, 5th brigade, 2d division of Alabama militia, reported that it is inexpedient to legislate on the subject.

Ordered that said report lie on the table.

The same committee, to which was referred the petition of Samuel E. Johnston, reported it as inexpedient.

Ordered that said report lie on the table.

The same committee, to which was referred the bill to reduce the number of company musters, reported favorably.

The bill was then ordered to be engrossed for a third reading.

Mr. Hogan, from the committee on the State bank and branches, to which was referred the bill to require the bank officers to keep certain books, reported favorably.

Mr. Jemison moved that the bill be indefinitely postponed, which was lost.— Yeas 28, nays 63.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Barron, Bradley, Covington, Davenport, Erwin, Garland, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jemison, Justice, Marchbanks, R. McAlpin, McLemore, Mitchell, Moore, Moores, Norman, Perkins, Phillips, Reynolds, Smith of T., Strode, Taylor and Troup.

Those who voted in the negative are, messrs. Speaker, Alexander of Land., Alexander of Low., Allen, Armbrister, Barker, Bishop, Cain, Chiles, Clemens, Crenshaw, Crawford, Davis of B., Davis of L., Fletcher, Ford, Griffin of J., Griffin of M., Griffin of S., Hendricks, Hammond, Harris, Haughton, Heflin, Henry, Henslee, Jones of Con., Jones of M., Jefferson, Kennedy, King, Mason, B. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Mundy, Musgrove, Norris, Norwood, Randolph, Rice, Rhodes, Rogers, Rushing, Scott, Smith of H., Smith of J., Smith of L., Steele, Storrs, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.

A message from the Senate by Mr. Clitherall:

Mr. Speaker: The Senate has passed a bill which originated in the Senate, to appoint commissioners to build a jail in the county of Shelby, and for other purposes, in which they ask the concurrence of the House of Representatives:

The House proceeded to the orders of the day.

Mr. Walker of L. asked leave that the committee of the whole house be discharged from the further consideration of the bill to organize and establish separate courts of chancery, approved January 26, 1839, which was granted.

Mr. Hammond asked leave to withdraw his amendment by section, introduced on Monday last to said bill, which was granted.

Mr. Hutchinson moved to amend it with the following:

In section 1, in the 7th line strike out "Macon,"—in the same section, last line, after the word Montgomery, add *Macon*, which was adopted.

Mr. Norman moved the following amendment:

1st section, insert after the word *Marshall*, the word *Marion*; strike out in the same section, in the 6th line, the words *Talladega* and *Randolph*, and insert in said section after the word *Tallapoosa*, the words *Talladega* and *Randolph*, which was lost.

Mr. Strode moved the following amendment:

1st section, after the word *Talladega*, strike out the word *Walker*, in the 6th line printed bill, and insert the word *Walker*, after the word *Tallapoosa* in the 8th line printed bill, and insert the word in 9th line.

Section 3, after the word *Walker* after the word *Jefferson* and before the word *Tuscaloosa*, which was adopted.

Mr. Moore of M. moved the following amendment: Strike out the word 'three,' and insert 'two'; which was adopted. Yeas 49, nays 43.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Speaker, Alexander of Low. Allen, Armbrister, Barker, Bishop, Clemens, Davis of L. Fletcher, Garland, Griffin of J. Griffin of m. Hammond, Hendricks, Harris, Heflin, Henslee, Jones of Cov. Jones of m. Jefferson, King, Marchbanks, Mason, McAlister, S. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Mundy, Musgrove, Norris, Norwood, Randolph, Rice, Rhodes, Rogers, Rushing, Smith of H. Smith of J. Stinson, Taylor, Troup, Valliant, Walker of Law. Wallace, Winston, Woodward, Wynn and Young—49.

Those who voted in the negative are, messrs Alexander of Laud. Barron, Bradley, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Ford, Gresham, Griffin of S. Haughton, Henry, Houston, Hutchinson, James, Jones of Con. Jemison, Justice, Kennedy, B. Mcalpin, R. C. McAlpin, McLemore, McLeod, Moore, Moores, Morgan, Norman, Perkins, Phillips, Reynolds, Smith of S. Smith of S. Steele, Storrs, Strode, Walker of B. Ware and Yancey.—43.

Mr Hammond again introduced the amendment, which was just withdrawn.

Mr R. McAlpin moved to lay the bill and amendment upon the table.

Mr Cochran moved a call of the House; which was not sustained. Yeas 14, nays 79.

Those voting in favor of the call were, messrs Bradley, Chiles, Cochran, Crenshaw, Crawford, Davenport, Haughton, B. McAlpin, R. McAlpin, Perkins, Strode, Walker of B. Ware and Yancey.

Those who voted against the call are, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Cain, Clemens, Covington, Davis of B. Davis of L. Erwin, Fletcher, Ford, Garland, Gresham, Griffin of J. Griffin of m. Griffin of S. Hammond, Harris, Hendricks, Heflin, Henry, Henslee, Houston, Hunter, Hutchinson, James, Jones of Con. Jones of Cov. Jones of m. Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, McAlister, S. McAlpin, McLemore, McLeod, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Moores, Morgan, Musgrove, Norman, Norris, Norwood, Phillips, Randolph, Reynolds, Rice, Rhodes, Rogers, Rushing, Scott, Smith of H. Smith of J. Smith of L. Smith of T. Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of Law. Wallace, Winston, Woodward, Wynn and Young.—79.

The question recurred on Mr R. McAlpin's motion, and lost. Yeas 28, nays 64.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Speaker, Allen, Barron, Bradley, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Erwin, Griffin of S. Haughton, Houston, Hutchinson, James, Jones of Con. Justice, B. McAlpin, R. McAlpin, Mitchell, Moores, Morgan, Norris, Perkins, Smith of T. Storrs, Valliant, Walker of L. and Ware.

Those who voted in the negative are, messrs Alexander of Laud. Alexander of Low. Armbrister, Barker, Bishop, Cain, Clemens, Davis of B. Davis of L. Fletcher, Ford, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Harris, Hendricks, Heflin, Henry, Henslee, Hunter, Jones of Cov. Jones of m. Jefferson, Jemison, Kennedy, King, Marchbanks, mason, McAlister, S. McAlpin, McLemore, McLeod, Mcmillion of B. Mcmillion of J. Moore, Mundy,

Musgrove, Norman, Norwood, Phillips, Randolph, Reynolds, Rice, Rhodes, Rogers, Rushing, Scott, Smith of H. Smith of J. Smith of L. Steele, Strode, Stinson, Taylor, Troup, Walker of B. Wallace, Winston, Woodward, Wynn, Yancey and Young.

The question recurred on mr *Hammond's* amendment, and carried. Yeas 57, nays 37.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Laud. Alexander of Low. Allen, Armbrister, Bishop, Bradley, Cain, Clemens, Davis of B. Davis of L. Fletcher, Ford, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Harris, Haughton, Heflin, *Hendricks*, Henry, Henslee, Jones of Cov. Jones of m. Jefferson, Justice, Kennedy, King Marchbanks, McAlister, *McLemore* McLeod, Mcmillion of B. Mcmillion of J. Morgan, Mundy, musgrove, Norman, Phillips, Randolph, Reynolds, Rhodes, Rice, Rodgers, Scott, Smith of H. Smith of J. Smith of L. Strode, Stinson, Taylor, Troup, Wallace, Wynn and Yancey.

Those who voted in the negative are, messrs Speaker, Barron, Barker, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Erwin, Griffin of S. Hogan, Houston, Hunter, Hutchinson, James, Jones of Con. Jemison, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, *Moore*s, Norris, Norwood, Perkins, Rushing, Smith of T. Steele, Storrs, Valliant, Walker of Law. Ware, Woodward and Young.

And then the *House* adjourned till 7 o'clock this evening.

SEVEN O'CLOCK.

The House met pursuant to adjournment.

mr B. McAlpin moved that the bill to amend an act to organize and establish separate courts of chancery, approved 26th January, 1839, be referred to a select committee.

mr Houston moved the previous question; which call was sustained. Yeas 43, nays 37.

The yeas and nays being demanded on the previous question,

Those who voted in the affirmative are, messrs Alexander of Laud. Alexander of Low. Allen, Armbrister, Bishop, Cain, Clemens, Davis of L. Ford, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Harris, *Hendricks*, Heflin, Henslee, Houston, Jones of Cov. Jones of m. Jefferson, Justice, Marchbanks, McAlister, Mcmillion of B. Mcmillion of J. Moore, Morgan, Musgrove, Phillips, Randolph, Reynolds, Rogers, Scott, Smith of J. Smith of L. Strode, Stinson, Taylor, Troup, Winston and Wynn.

Those who voted in the negative are, messrs Speaker, Barron, Bradley, Barker, Chiles, Covington, Crenshaw, Crawford, Davis of B. Erwin, Griffin of S. Haughton, Henry, Hogan, Hunter, Hutchinson, James, Jones of Con. Mason, B. Mcalpin, R. Mcalpin, S. Mcalpin, *McLemore*, Mitchell, moores, mundy, Norris, Norwood. Perkins, Rushing, Steele, Walker of B. Walker of L. Wallace, Ware, Woodward, and Yancey.

The main question was then put, Shall the bill be engrossed and read the third time? and passed in the affirmative. Yeas 52, nays 29.

Those who voted in the affirmative are, messrs Alexander of Laud. Alexander of Low, Allen, Armbrister, Barker, Bishop, Bradley, Cain, Clemens, Davis of B. Davis of L. Ford, Garland, Gresham, Griffin of J. Griffin of m. Hammond, *Hendricks* Harris, Haughton, Heflin, Henry, Henslee, Jones of

Cov. Jones of m. Jefferson, Justice, King, Matchbanks, McAlister, McLemore, memillion of B. memillion of J. morgan, musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rogers, Scott, Smith of J. Smith of L. Strode, Stinson, Taylor, Troup, Wallace, Winston, Wynn and Yancey.

Those who voted in the negative are, messrs Speaker, Chiles, Covington, Crenshaw, Crawford, Erwin, Griffin of S. Hogan, Houston, Hunter, Hutchinson, James, Jones of Con. mason, B. mcAlpin, R. mcAlpin, S. mcAlpin, Mitchell, moore, moores, Norris, Norwood, Perkins, Rushing, Steele, Walker of B. Walker of L. Ware and Woodward.

Mr. Mitchell made the following report :

The committee on Enrolled Bills, have examined and find correctly enrolled, the bill which originated in the Senate, of the following title :

An act to authorize the Comptroller of public accounts, to draw his warrant on the Treasurer, in favor of Sion L. Perry, for the salary due the late Moratio G. Perry, Judge of the second Judicial Circuit.

Mr. Clemens moved to lay on the table, messages from the Senate, which was carried,

Mr. Clemens moved to suspend the order of the day, for the present, which was carried.

The House took up for consideration, the bill regulating punishments under the Penitentiary system, approved January, 1841.

Mr. Clemens moved to postpone the further consideration of the bill till Monday next, and make it the special order for that day, and to print 200 copies, which was carried.

Mr. Clemens called up the messages from the Senate.

Bills from the Senate of the following titles, to wit :

An act to regulate and fix the fees of witnesses, when the State is a party.

An act authorizing the Commissioners Court of Talladega county, to levy a tax, for certain purposes.

An act for the relief of Ellison Warren, late tax collector of Barbour county.

An act to accept the two per cent fund.

An act to amend an act incorporating the madison Turnpike Company, approved January 14, 1834.

An act to compensate losses occasioned by pressing a horse in the Creek service.

An act to confirm the will of martin Kirby late of mobile county, deceased.

An act to incorporate the Stockton Steamboat Company, in the County of Baldwin.

An act to renew medical permits in certain cases &c.

An act to provide for the removal of the seat of Government, were severally read and ordered to a second reading.

The bill from the Senate to authorize the Executors of David White, deceased, to administer said descedants estate, in the County Courts, of certain counties therein named, was read the first time, and the rule being suspended it was then read the second and third time forthwith, and passed.

Ordered that the Clerk acquaint the Senate therewith.

The Joint resolution from the Senate to authorize Arthur Foster to draw and receipt for the pay of John H. Garrett deceased, late a member of the

House of Representatives, from the County of Cherokee, was read the first time and the rule being suspended it was read the second and third times forthwith and passed.

Ordered that the Clerk acquaint the Senate therewith.

The resolution from the Senate proposing to adjourn on the 25th inst. being under consideration,

Mr Walker of L. moved that it lie on the table; which was lost—yeas 33, nays 43.

The yeas and nays being demanded.

Those who voted in the affirmative are, Messrs Alexander of Laud. Allen, Barker, Clemens, Covington, Crawford, Davis of L. Erwin, Garland, Griffin of J. Griffin of S. Hammond, Harris, Haughton, Hunter, Jones of M. King, B. McAlpin, R. McAlpin, McMillion of J. Mitchell, Perkins, Phillips, Reynolds, Rice, Rushing, Smith of J. Troup, Walker of B. Walker of Law. Ware and Woodward.

Those who voted in the negative were, messrs Alexander of Low. Armbrister, Barron, Bishop, Bradley, Cain, Chiles, Crenshaw, Davis of B. Ford, Griffin of M. Hellin, Hendricks, Henry, Hogan, Hutchinson, James, Jones of Con. Jefferson, Justice, Marchbanks, Mason, McAllister, S. McAlpin, McMillion of B. Moore, Moors, Morgan, Mundy, Musgrove, Norris, Norwood, Randolph, Rodgers, Scott, Smith of L. Steele, Stinson, Taylor, Wallace, Winston, Wynn and Yancey.

Mr Clemens moved to amend it by striking out the words, "the 25th of December;" which was carried.

Mr Norris moved to lay the resolution on the table, which was carried—yeas 46, nays 29.

The yeas and nays being demanded.

Those who voted in the affirmative are, messrs Alexander of Laud. Allen, Barker, Cain, Chiles, Clemens, Covington, Crawford, Davis of L. Erwin, Garland, Gresham, Griffin of J. Griffin of S. Hammond, Harris Haughton, Hellin, Henry, Hunter, Jones of Con. Jones of Cov. Jones of M. Justice, King, Marchbanks, McAllister, B. McAlpin, R. C. McAlpin, S. McAlpin, McMillion of J. Mitchell, Norris, Perkins, Phillips, Reynolds, Rice, Rushing, Smith of J. Smith of T. Taylor, Troup, Walker of B. Walker of L. and Woodward.

Those who voted in the negative are messrs Alexander of Low. Armbrister, Barron, Bishop, Bradley, Crenshaw, Davis of B. Ford, Griffin of M. Hutchinson, James, Jefferson, McMillion of B. Moore, Moors, Mundy, Musgrove, Norwood, Randolph, Rodgers, Scott, Smith of L. Steele, Stinson, Wallace, Ware, Winston, Wynn and Yancey.

And the House adjourned to half past 9 o'clock to-morrow morning.

THURSDAY, Dec. 9th 1841.

The House met pursuant to adjournment.

Mr McLemore, who voted in the majority to reject a resolution offered by Mr Jemison on yesterday, moved to reconsider that vote.

Mr Steele introduced a bill to levy a special tax for Autauga county, and for other purposes; which was read, and the rule being suspended, it was read the second and third time, forthwith considered as engrossed and passed.

Ordered that the title of the bill be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.



Mr McLemore introduced a bill to establish an additional chancery district, which was read and ordered to a second reading,

Mr Moore introduced a bill to repeal an act therein named, which was read and ordered to a second reading.

Mr B. McAlpin introduced a bill to enforce the collection of debts due the State Bank and Branches; and for other purposes; which was read and ordered to a second reading.

Mr Scott presented the petition of sundry citizens of Macon county, which was read and referred to the committee on propositions and grievances.

A message from the Senate by Mr Clitherall.

*Mr Speaker* : The Senate has passed bills of the following titles, which originated in the House of Representatives :

An act for the relief of Sarah Squires.

An act to alter and amend the laws of this State relative to collections of claims against Steam Boats and other water crafts navigating the waters of Alabama.

Also Joint resolutions requiring the performance of additional duties by the joint examining committee.

The Senate has also originated and passed

An act for the relief of the representatives of David H. Burke, deceased, late of Mobile.

An act to prevent frauds in elections.

An act for the relief of Mary Dudley of Lowndes county.

An act to compensate Robert Nelson.

An act to enable the Joint examining committee more effectually to investigate Bank frauds.

In all of which the concurrence of your honorable body is respectfully asked.

The House took up for consideration the bill requiring the Bank officers to keep certain Books.

Mr Norris moved to amend it. "Say after the word endorsers," insert "the names of the persons recommending the same; which was adopted.

Mr Erwin moved the following amendment, "also the amount of money deposited by each individual trading with said Bank;" which was lost.

Mr Houston moved that the bill be indefinitely postponed; which was lost—yeas 28, nays 58.

The yeas and nays being demanded.

Those who voted in the affirmative are messrs Barron, Bradley, Chiles, Covington, Davenport, Erwin, Ford, Henry, Hogan, Houston, Hunter, Hutchinson, James, Jefferson, Jemison, Justice, R. C. McAlpin, McLemore, Mitchell, Moors, Moore, Norman, Phillips, Reynolds, Rushing, Smith of T. Storrs, Troup and Ware.

Those who voted in the negative are messrs Speaker, Alexander of Laud. Allen, Armbrister, Barker, Bishop, Cain, Clemens, Crenshaw, Crawford, Davis of B. Davis of L. Fletcher, Garland, Gresham, Griffin of J. Griffin of M. Griffin of S. Hammond, Hendricks, Harris Haughton, Heflin, Henslee, Jones of Con. Jones of Cov. Kennedy, Marchbanks, Mason, McAllister, B. McAlpin, S. McAlpin, McLeod, Mcmillion of B. Mcmillion of J. Morgan, Mundy Musgrove, Norris, Norwood, Randolph, Rice, Rhodes, Rodgers, Scott, Smith of H. Smith of J. Smith of L. Sprewill, Steele, Stinson, Valliant, Walker of B. Walker of Law. Wallace, Winston, Woodward, Wynn and Yancey.

mr Norwood moved to amend the bill by adding thereto an additional section.

mr mundy moved to amend mr Norwood's amendment by adding three additional sections; which was adopted.

Mr R. mcAlpin moved that the bill and amendments be referred to the committee on the State Bank and branches.

mr Clemens moved the previous question; which call was not sustained—yeas 30, nays 61.

Those who voted in the affirmative are, messrs Alexander of Laud. Allen, Armbrister, Clemens, Crawford, Fletcher, Griffin of J. Hendricks, Haughton, Houston, Jones of Cov. Jones of M. Kennedy, King, marchbanks, B. McAlpin, Moore, Morgan, Randolph, Smith of J. Smith of L. Steele, Taylor, Valiant, Walker of B. Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are messrs Speaker, Barker, Barron, Bishop, Bradley, Cain, Chiles, Cochran, Covington, Crenshaw, Davenport, Davis of B. Davis of L. Erwin, Ford, Garland, Gresham, Griffin of M. Griffin of S. Heflin, Henry, Henslee, Hogan, Hunter, Hutchinson, James, Jones of Con. Jefferson, Jemison, Justice, mason, mcAllister, R. C. mcAlpin, S. mcAlpin, mcLeod, mcMillion of B. mcMillion of J. mitchell, moore, moors, mundy, musgrove, Norman, Norris, Norwood, Phillips, Reynolds, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H. Spruell, Storrs, Strode, Stinson, Troup, Walker of Law. Wallace, Ware and Young.

The question recurred upon mr R. C. mcAlpin's motion and carried.

mr Hogan from the committee on State Bank and branches to which was referred the bill to regulate the purchase of bills of exchange by the Branch of the Bank of the State of Alabama at mobile, reported sundry amendments.

Mr Norris moved to postpone the consideration of the bill until Tuesday next, which was carried.

Mr Winston from the committee on county boundaries, to which was referred the bill to create a certain county therein named and for other purposes, reported an amendment by striking out the 10th section.

mr Winston moved that the House disagree to said report: which was carried; the bill was ordered to be engrossed for a third reading.

mr mcMillion of Jefferson made the following report :

The committee on enrolled bills have examined, and find correctly enrolled bills of the following titles :

An act entitled an act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee rail road company approved, Dec. 22d, 1836.

An act entitled an act to extend the time for collecting the county school and road tax, in the county of Mobile, for the year 1841, and for other purposes.

An act entitled an act to change the name of Alfred B Palmore.

An act entitled an act to require the county officers of marshall county to receive certain claims therein named.

An act entitled an act to change the mode of appointing apportioners within the county of Walker.

An act entitled an act authorizing an additional surveyor for Sumter county.

Also joint resolutions in regard to certain records.

Mr Wynn from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Walker and Jefferson, reported a bill to prolong the charter of a certain Turnpike road therein named, which was read and ordered to a second reading.

The same committee to which was referred the bill in relation to causeways in the county of Wilcox, reported it without amendment, it was ordered to be engrossed for a third reading.

The same committee to which was referred the bill to compel certain persons therein named, to work on public roads, reported the same as inexpedient.

Mr Wallace moved that the bill be indefinitely postponed; which was carried—yeas 54, nays 32.

The yeas and nays being demanded,

Those who voted in the affirmative were messrs Alexander of Laud. Armbrister, Barron, Bradley, Chiles, Cochran, Covington, Crenshaw, Crawford, Davis of B. Erwin, Fletcher, Ford, Gresham, Griffin of M. Griffin of S. Haughton, Henry, Hogan, Hunter, James, Jones of Con. Jones of Cov. Jefferson, Jemison, Kennedy, Mason, R. C. McAlpin, McLeod, Mitchell, Moors, Morgan, Mundy Norman, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds, Rushing, Scott, Smith of H. Smith of L. Smith of S. Steele, Strode, Troup, Walker of B. Walker of Law. Wallace, Ware, Woodward and Young.

Those who voted in the negative are messrs Speaker, Alexander of Low. Allen, Bishop, Cain, Clemens, Davenport, Davis of L. Garland, Hammond, Hendricks, Heflin, Henslee, Jones of M. Justice, Marchbanks McAllister, B. McAlpin, S. McAlpin, Memillion of B. Memillion of J. Musgrove, Rice, Rhodes, Rodgers, Smith of J. Stinson, Taylor, Valliant, Winston, Wynn, and Yancey.

Mr Davis of Bibb from the committee on accounts to which was referred the account of George Huggins, sheriff of mobile county, reported a bill for the payment of certain claims, against the State; which was read and ordered to a second reading.

Mr McAllister from the military committee, to which was referred the bill to revise in part an act, "to revise, consolidate and amend the several acts relative to the militia of this State, passed, Dec. 31st, 1822, reported amendments by adding two additional sections.

Mr Hogan moved to amend the amendment by striking out all after the word "paid" to insert the words, "shall be paid by the paymaster of the regiment, out of the brigade or regimental funds;" which was adopted.

The amendment as amended was then adopted.

Mr Kennedy moved that the bill be indefinitely postponed.

Ordered that messrs Clemens and Hendricks, be added to the military committee.

The House then proceeded to the orders of the day.

Ordered that the House concur in the amendments made by the Senate, to the bill for the relief of Harriett Hatfield and others.

Bills from the Senate of the following titles, to wit :

An act to appoint commissioners to build a jail in the county of Shelby and for other purposes.

An act for the relief of the representatives of David H. Burke, deceased, late of Mobile.

An act for the relief of Mary Dudley of the county of Lowndes;

An act compensate Robert Nelson;

Were severally read the first time, and ordered to a second reading.

The bill from the Senate to prevent frauds in elections, was read the first and second times forthwith, and referred to the committee on privileges and elections.

A message from the Governor, by Mr Harrison:

*Mr Speaker*—His excellency the Governor did on this day approve and sign bills of the following titles, to wit:

An act for the better securing mechanics in the city and county of Mobile;

An act to incorporate the Mobile hook and ladder company No. 1, and fire companies Nos. 3, 6 and 7, of the city of Mobile;

An act entitled an act requiring the branch bank at Huntsville and Decatur to deposit their proportion of thirty-six thousand dollars in the State bank;

An act entitled an act to establish an additional regiment of the militia of this State in the county of Talladega;

An act to alter the manner of compensating executors and administrators in certain cases;

An act entitled an act fixing the time of holding justices' courts in the counties of Coosa and Autauga, and for other purposes;

An act entitled an act to compel the county treasurer of Pickens county to reside at near the county seat;

An act to amend the charter of the planters' and merchants' bank of Mobile;

Which bills originated in the House of Representatives.

The bill from the Senate to enable the joint examining committee more effectually to investigate bank frauds, was read the first and second times forthwith.

Mr Jemison moved that it be made the special order of the day for to-morrow at 10 o'clock, and to print two hundred copies; which was carried.

Mr Hunter moved that the House adjourn until half past 6 o'clock; which was carried.

NIGHT SESSION, Dec. 9, 1841, half past 6 o'clock.

The House met pursuant to adjournment.

Mr Moores moved to suspend the orders of the day for the purpose of introducing a joint resolution in relation to the State bank and branches.

Mr Moores then introduced joint resolutions in relation to the State bank and branches; which were read.

Mr Walker of Law. moved to postpone the further consideration of said resolutions until Saturday next, and that it be made the special order of the day at 10 o'clock; which was carried.

The House then proceeded to the orders of the day.

A bill to raise a revenue for the support of government then being on its second reading.

Mr Jemison moved to postpone the consideration thereof until Monday next at 10 o'clock, and make it the special order of that hour; which was carried.

Engrossed bills of the following titles:

An act to provide for the digesting the laws of the State of Alabama;

An act to incorporate the town of Clayton, Barbour county, Alabama:

An act to compel the judges of the county courts of the counties of Franklin and Wilcox to reside at or within three miles of the courthouse;

An act to amend an act therein named, and for other purposes;

An act to establish an additional board of physicians in the town of Florence;

An act to incorporate Midway academy in the county of Macon;

An act to define and regulate the duties of county treasurer and tax collector for the county of Russell; and

An act to designate the line between the 15th and 88th regiments of Alabama militia in the county of Jefferson;

Were severally read the third time and passed.

The engrossed bill to authorize the county court of Madison county to borrow six thousand dollars, being under consideration,

Mr Hutchinson moved to amend the bill by way of engrossed rider, by adding an additional section; which was lost.

Mr Moore of Madison, moved to amend it by proviso; which was adopted.

Mr Hogan moved to amend it by way of the following additional section; which was lost:

*Be it further enacted*, That every county in the State be entitled to a like accommodation at the nearest State banking institution.

Ayes 16, nays 64.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Low. Barker, Cain, Crenshaw, Davenport, Ford, Gresham, Heflin, Hogan, Hutchinson, King, Rushing, Troup, Walker of Law. Ware, Woodward and Wynn.

Those who voted in the negative were, messrs Speaker, Alexander of Laud. Allen, Armbrister, Barron, Bishop, Bradley, Burleson, Clemens, Covington, Davis of B. Davis of L. Erwin, Garduer, Garland, Griffin of J. Griffin of M. Griffin of S. Hendricks, Haughton, Henry, Henslee, Houston, Hunter, James, Jones of Con. Jones of Mr. Jefferson, Jemison, Kennedy, Marchbanks, Mason, McAlister, B. McAlpin, R. C. McAlpin, McLemore, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Moores, Morgan, Mundy, Musgrove, Norris, Norwood, Phillips, Randolph, Rice, Scott, Smith of J. Smith of L. Smith of T. Spuell, Steele, Storrs, Strode, Stinson, Taylor, Walker of B. Wallace, Winston and Yancey.

Mr Harris moved further to amend it by an additional section; which was lost.

The question was then, "Shall the bill pass"? and determined in the negative. Yeas 34, nays 43.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Speaker, Alexander of Low. Armbrister, Bradley, Chiles, Clemens, Davis of B. Davis of L. Gresham, Griffin of J. Griffin of M. Griffin of S. Haughton, Houston. James, Jones of M. Jemison, Marchbanks, Mcalister, B. Mcalpin, R. C. Mcalpin, McLemore, Mitchell, Musgrove, Norris, Phillips, Smith of J. Smith of L. Smith of T. Storrs, Strode, Troup, Ware and Yancey.

Those who voted in the negative were, messrs Alexander of Laud. Allen, Barron, Bishop, Burleson, Cain, Covington, Crenshaw, Davenport, Ford, Gardner, Garland, Harris, Hendricks, Heflin, Henry, Henslee, Hogan, Hunter, Hutchinson, Jones of Con. Jefferson, King, Mason, Mcmillion of B. Mcmillion of J. Moores, Morgan, Mundy, Norwood, Rodgers, Rushing, Scott, Spuill, Steele, Stinson, Taylor, Walker of B. Walker of L. Wallace, Winston, Woodward and Wynn.

The engrossed bill to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein named, was read the third time.

Mr Spruell moved to amend it by way of ryder, by an additional section; which was adopted. Yeas 55, nays 16.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Brandley, Burleson, Cain, Davis of B. Erwin, Ford, Gardner, Gresham, Griffin of m. Griffin of S. Harris, Hendricks, Henslee, Hutchinson, James, Jones of Con. Jones of m. Jefferson, Jemison, King, Mason, McAlister, B. Mcalpin, McLemore, Mcmillion of J. Moores, Mundy, Musgrove, Norris, Norwood, Perkins, Phillips, Rogers, Scott, Smith of J. Smith of L. Smith of T. Spruell, Storrs, Stinson, Troup, Walker of Law. Walker of B. Wallace, Ware, Winston and Woodward.

Those who voted in the negative are, messrs Clemens, Crenshaw, Davis of L. Garland, Heflin, Henry, Hunter, Marchbanks, R. C. Mcalpin, Mcmillion of B. Mitchell, Morgan, Randolph, Steele, Wynn and Yancey.

The title amended by adding the words, "and for other purposes."

The engrossed bill to amend an act to authorize the tax collectors and clerks of the county courts of the several counties in this State to receive in payment of public dues certain claims therein named, approved 22d December, 1840.

Mr Clemens moved the following proviso, by way of ryder:

*Provided*, That nothing in this act shall be so construed as to extend to the counties of Madison and Dallas.

Mr Griffin of Shelby moved to refer the bill to a select committee.

Mr Jemison moved the following instructions:

"That said committee be instructed to inquire into the expediency of placing all county dues upon the same footing, and confining the payment of the same to the tax raised for county purposes."

Mr Griffin of Marshall, moved that the bill lie on the table; which was carried.

The engrossed bill to retain liens created by the levy of attachments in certain cases therein mentioned, was, on motion of Mr Clemens, referred to the judiciary committee.

Engrossed bills of the following titles:

An act to repeal an act therein named;

An act to incorporate the Tallapoosa manufacturing company;

Were severally read a third time and passed.

Ordered that the titles remain as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate for the relief of Richard G. Earle, was read the third time.



Mr Yancey moved to amend it by way of ryder, with the following proviso: "*Provided, however, That no person shall have the benefit of this act, who shall have killed another in any duel at any time previous to the second of November, 1841.*"

On motion of Mr Erwin, the House then adjourned until half past 9 o' clock to-morrow morning.

FRIDAY, December 10, 1841.

The House met pursuant to adjournment.

Mr Speaker laid before the House a decree from the court of chancery at Monroeville; which was read, and referred to the committee on divorce and alimony.

Also, the report of the Coosa river commissioners; which was read.

The question was to lay the report on the table and print one hundred copies.

The question being divided, the vote was first taken to lie on the table, and carried.

The question was then to print, which was lost.

Mr Crenshaw, who voted in the majority to reject a bill to compel certain persons therein named to work on public roads, moved its re-consideration.

Mr. Scott introduced a bill for the relief of the tax collector of Macon county, which was read and ordered to a second reading.

Mr. Mitchell presented the petition of James G. Blount, which was read and referred to the committee on propositions and grievances.

Mr. Mitchell introduced a bill to compensate James G. Blount, which was read and ordered to a second reading.

Mr. Cain presented the petition of citizens of Walker county, which was read and referred to the military committee.

Mr. Davis of Bibb, from the committee on accounts, to which was referred sundry accounts, reported a bill for the payment of certain claims against the State, which was read and ordered to a second reading.

Mr. Walker of Benton, from the judiciary committee, to which was referred the bill for the protection of females, their property, and for other purposes, reported unfavorably.

Ordered that said report lie on the table.

The same committee, to which was referred the petition of citizens and merchants of North Alabama, praying the passage of a law further to restrict the itinerant venders of goods and merchandize, reported unfavorably—and asked to be discharged from the further consideration of the subject, which was granted.

Mr. Henry, who voted in the majority to reject the bill to authorize the county court of Madison county to borrow six thousand dollars, moved to reconsider that vote.

A message from the Senate by Mr. Clitherall:

Mr. Speaker: The Senate has passed bills of the following titles, from the House:

An act for the benefit of the estate of John S. Gray, deceased.

An act to incorporate the burnt corn male academy in the county of Conecuh.

An act for the relief of tales jurors in the county of St. Clair and other counties, and have amended the same as therein shown.

An act to divorce Amanda White from her husband Wm. A. White.

An act to divorce Joseph Daniel from his wife Huldah Daniel.

Also, joint resolutions for the sale of the decisions of the supreme court of Alabama.

The Senate has also originated and passed bills of the following titles, to-wit :

An act to repeal in part an act therein named.

An act for the relief of Haley G. Jenkins and David Covington.

The Senate has also adopted the following resolution,

*Resolved*, That a committee of six be appointed by the Senate to act jointly with such committee as may be appointed by the House of Representatives, to whom may be referred the bill introduced into the Senate, to be entitled an act to divide the State of Alabama into three chancery divisions, and for other purposes, which committee are authorized to perfect, amend and report back said bill, or to introduce any other measure as a substitute, if deemed advisable—said committee to consist of messrs. Lea, Thornton, Hudson, McConnell, Baylor and Hunter.

In all of which the concurrence of your honorable body is respectfully asked.

A message from the Governor by Mr. Harrison :

*Mr. Speaker*: His Excellency the Governor did, on this day, approve and sign bills of the following titles, to-wit :

An act to change the mode of appointing apportioners within the county of Walker.

An act to change the name of Alfred B. Palmore.

An act authorizing an additional surveyor for Sumter county.

An act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee railroad company, approved December 22, 1836.

An act to require the county officers of Marshall county to receive certain claims therein named.

An act to extend the time for collecting the county school and road tax in the county of Mobile for the year 1841, and for other purposes.

And, joint resolutions in regard to certain records.

All originated in the House of Representatives.

Mr. Erwin, from the committee on internal improvements, to which was referred the bill for the improvement of the navigation of the Alabama river, reported sundry amendments.

Mr. Clemens moved that the bill and amendments be indefinitely postponed.

The bill from the Senate, to enable the joint examining committee more efficiently to investigate bank frauds, being under consideration,

Mr. Hogan moved to postpone the bill for three weeks.

And then the House adjourned until half-past 6 o'clock this evening.

NIGHT SESSION, half-past 6 o'clock.

The House met pursuant to adjournment.

Mr. Crenshaw, from the committee on enrolled bills, made the following report :

The committee on enrolled bills have examined and found correctly enrolled, the following bills, to-wit :

An act for the relief of Harriet Hatfield.

An act for the relief of Sarah Squires.

An act to regulate the proceedings of the several circuit courts in this State.

And, an act to alter and amend the laws of this State relative to the collection of claims against steamboats and other water crafts navigating the waters of Alabama.

The House then resumed the consideration of the bill from the Senate, to enable the joint examining committee more efficiently to investigate bank frauds.

The question then arose upon the motion of Mr. Hogan to postpone the bill for three weeks, which was lost—yeas 3, nays 84.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Chiles, Houston and Smith of T.

Those who voted in the negative are, messrs. Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Burleson, Cain, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McLeod, Mcmillion of B., Mcmillion of J., Mitchell, Moore, Moores, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds, Rhodes, Rogers, Rushing, Scott, Smith of J., Smith of L., Spruell, Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B., Wallace, Ware, Winston, Woodward, Wynn and Yancey.

Mr. Yancey moved to refer the bill to a select committee.

Mr. Norris moved the following amendment to said motion, "as instruction to said special committee." And that said committee report the bill and amendment to the House by 10 o'clock to-morrow morning.

Mr. Yancey accepted the amendment.

The question then was taken on Mr. Yancey's motion, which was lost—yeas 38, nays 49.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud., Armbrister, Barker, Bishop, Burleson, Erwin, Fletcher, Garland, Griffin of M., Hammond, Heflin, Hendricks, Henslee, Hogan, James, Jones of Cov., Jones of M., Jefferson, Kennedy, B. McAlpin, Mcmillion of B., Mcmillion of J., Moore, Morgan, Musgrove, Norman, Norwood, Randolph, Reynolds, Rhodes, Rodgers, Smith of J., Steele, Taylor, Troup, Winston, Woodward and Yancey.

Those who voted in the negative are, messrs. Speaker, Alexander of Low., Allen, Bradley, Barron, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Ford, Gardner, Gresham, Griffin of J., Griffin of S., Harris, Haughton, Henry, Houston, Hunter, Hutchinson, Jones of Con., Justice, King, Marchbanks, Mason, S. McAlpin, McLeod, Mitchell, Moores, Mundy, Norris, Perkins, Phillips, Rushing, Scott, Smith of L., Smith of T., Spruell, Storrs, Stinson, Valliant, Walker of B., Wallace, Ware and Wynn.

Mr. Erwin moved to amend the bill as follows, "strike out of 63rd line in same section, the words 'all disclosures by any member of the committee, except his recorded deposition, as also all hearsay information given by others, (if they request it,) shall be kept secret so long as the informant lives, and.'"

Mr. Reynolds moved the previous question, which was not sustained—yeas 13, nays 73.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Allen, Davenport, Hammond, Hogan, Houston, Jones of Con., Mason, Moore, Reynolds, Smith of T., Walker of B., Ware and Wynn.

Those who voted in the negative are, messrs. Speaker, Alexander of Land., Alexander of Low., Armbrister, Barker, Barron, Bishop, Bradley, Burleson, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Mitchell, Moores, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rhodes, Rodgers, Rushing, Scott, Smith of J., Spruell, Steele, Storrs, Stinson, Taylor, Troup, Valliant, Wallace, Winston, Woodward and Yancey.

Mr. Hutchinson moved to refer the bill and amendments to the judiciary committee, with instructions to report at 11 o'clock to-morrow, which was carried—yeas 55, nays 29.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Land., Alexander of Low., Armbrister, Barker, Bishop, Burleson, Cain, Crenshaw, Davis of B., Erwin, Fletcher, Gardner, Garland, Griffin of M., Hammond, Harris, Heflin, Hendricks, Hunter, Henslee, Hutchinson, Jones of Cov., Jones of M., Jefferson, Kennedy, King, Marchbanks, B. McAlpin, S. McAlpin, McLemore, McLeod, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Norwood, Randolph, Rhodes, Rodgers, Scott, Smith of J., Steele, Storrs, Stinson, Taylor, Troup, Valliant, Winston, Woodward and Yancey.

Those who voted in the negative are messrs. Allen, Barron, Bradley, Chiles, Davenport, Davis of L., Ford, Griffin of J., Griffin of S., Henry, Houston, Jones of Con., Justice, Mason, Moore, Moores, Mundy, Norris, Perkins, Phillips, Reynolds, Smith of L., Smith of T., Spruell, Walker of B., Wallace, Ware and Wynn.

The House then adjourned until to-morrow morning 10 o'clock.

SATURDAY, Dec. 11, 1841.

The House met pursuant to adjournment.

Ordered that Mr. Chiles have leave of absence until Monday next.

Mr. Norman presented the petition of citizens of Franklin county, which was read and referred to the committee on propositions and grievances.

Messrs. Young and Wynn presented accounts, which were severally read and referred to the committee on accounts.

Mr. Hunter presented the petition of citizens of Barbour county, which was read and referred to the military committee.

Mr. Storrs introduced a bill to incorporate the Alabama State Agricultural Society, which was read the first and second times forthwith, and referred to the committee on agriculture.

The House resumed the consideration of the bill for the improvement of the Alabama river.

The question was on Mr. Clemens' motion to indefinitely postpone the bill, and lost—yeas 38, nays 38.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Land., Alexander of Low., Allen, Armbrister, Barker, Bishop, Burleson, Crawford, Davenport, Fletcher, Garland, Griffin of M., Harris, Heflin, Hunter, Jones of Con., Jones of Cov., Jones of M., Jemison, Marchbanks, McAllister, S. mcAlpin, mcMillion of B., Moores, Morgan, Mundy, Norman, Randolph, Smith of J., Smith of L., Spruell, Taylor, Troup, Valliant, Walker of Law., Wallace, Winston and Young.

Those who voted in the negative are, messrs. Speaker, Barron, Bradley, Cain, Covington, Crenshaw, Davis of B., Davis of L., Ford, Gardner, Griffin of S., Hammond, Hendricks, Henry, Henslee, James, Jefferson, Justice, King, Mason, B. mcAlpin, mcLemore, mcMillion of J., Moore, Musgrove, Norris, Norwood, Reynolds, Rice, Rhodes, Rogers, Scott, Steele, Storrs, Stinson, Ware, Woodward and Wynn.

The question was on the amendment made by the committee to said bill.

The question was to strike out the word "ten," to insert the word "twenty."

The question being divided, the vote was taken to strike out the word "ten," and carried.

On motion of mr. Walker of Benton, leave was asked for the judiciary committee to sit during the sessions of the House, which was granted.

Mr. Walker of Benton, from the judiciary committee, to which was referred the bill from the Senate "to enable the joint examining committee more efficiently to investigate bank frauds, reported a substitute in lieu thereof.

Mr. Winston moved to amend the 5th section of the bill by striking out the word "may," to insert the word "march," which was lost.

Mr. Young moved to amend the 5th section by striking out the word "commissioner," with the view to insert the word "committee," which was carried.

Mr. Reynolds then moved to amend the 3rd section by inserting after the words '3 months,' these words "at the discretion of the jury trying the same." which was adopted.

The substitute as amended was then adopted.

The question was then, shall this bill pass? and determined in the affirmative: Yeas 82, nays 8.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Land., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Burleson, Cain, Clemens, Covington, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Henry, Henslee, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, McAllister, B. mcAlpin, R. C. mcAlpin, S. mcAlpin, mcLemore, mcMillion of B., mitchell, Moores, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rhodes, Rushing, Scott, Smith of L., Spruell, Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of Law., Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.

Those who voted in the negative are, messrs Crenshaw, Hogan, Houston, Mcmillion of J. Moore, Reynolds, Rogers, Smith of J. and Smith of T.

messrs Clemens, Walker of Law. Young, Jamison and R. C. Mcalpin, members composing the joint committee on bank frauds, moved to resign their appointment as said committee.

The *House* refused to accept their resignation.

The yeas and nays being demanded,

Those who voted for granting leave are, messrs Crenshaw, Houston, Musgrove, Norman and Yancey.

Those who voted against granting leave are, messrs Speaker, Alexander of Land. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Bradley, Burleson, Cain, Covington, Crawford, Davenport, Davis of B. Davis of L. Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J. Griffin of m. Griffin of S. Hammond, Harris, Haughton, Hetlin, Hendricks, Henry, Henslee, Hunter, Hutchinson, James, Jones of Con. Jones of Cov. Jones of m. Jefferson, Justice, Kennedy, King, Marchbanks, Mason, McAlister, B. Mcalpin, S. Mcalpin, McLemore, Mcmillion of J. Mitchell, Moore, Morgan, Mundy, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds, Rhodes, Rogers, Rushing, Scott, Smith of J. Smith of L. Spruell, Steele, Storrs, Stinson, Troup, Valliant, Walker of B. Wallace, Ware, Winston, Woodward and Wynn.

Mr Yancey offered the following resolution:

*Resolved by the Senate and House of Representatives,* That the resolution authorizing the Speaker to appoint a joint examining committee on the part of the *House*, be and the same is hereby repealed, and the *House* will proceed to elect such joint examining committee this evening at 7 o'clock.

Mr Barron moved that the resolution lie on the table; which was carried Yeas 80, nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Land. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Bradley, Burleson, Cain, Covington, Crenshaw, Crawford, Davenport, Davis of B. Davis of L. Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J. Griffin of S. Hammond, Harris, Haughton, Hetlin, Henry, Hunter, Houston, Henslee, Hutchinson, James, Jones of Con. Jones of Cov. Jones of m. Jefferson, Justice, Kennedy, King, Marchbanks, Mason, McAlister, B. McAlpin, S. McAlpin, McLemore, Mcmillion of J. Mitchell. Moore, Moores, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds, Rhodes, Rogers, Scott, Smith of H. Smith of L. Spruell, Steele, Storrs, Stinson, Tayer, Troup, Valliant, Walker of B. Wallace, Ware, Winston, Woodward and Wynn.

Those who voted in the negative are, messrs Speaker and Yancey.

Mr Mcmillion of J. made the following report:

The committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit:

An act to alter the mode of collecting and assessing the taxes for Limestone county;

An act to amend an act entitled an act to incorporate the Marion female association, approved 9th January, 1841.

An act to compensate the commissioners of roads and revenue in the counties of Dale, Wilcox, Chambers and Barbour; and



An act to ascertain and fix parmanently the line between the counties of Madison and Jackson.

The joint resolutions offered by mr Moores on the 9th instant, being under considration.

mr Moores moved to amend them by adding two additional sections.

mr Yancey moved that the resolutions and amendments lie on the table; which was carried. Yeas 44, nays 43.

The yeas and nays being demanded,

Those who voted in the affirmative are, mesrs Alexander of Land. Allen, Armbrister, Barker, Bishop, Burleson, Cain, Clemens, Crenshaw, Davis of B. Davis of L. Erwin, Fletcher, Gardner, Griffin of m. Griffin of S. Hammond, Harris, Haughton, Heflin, Henslee, Hogan, Jones of Cov, Jones of m. Jefferson, Justice, Kennedy, King, March-banks, McAlister, Mcmillion of J. Norman, Raudolph, Reynolds, Rice, Rushing, Smith of J. Storrs, Taylor, Valliant, Walker of L. Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs Speaker, Alexander of Low. Barron, Bradley, Covington, Crawford, Davenport, Ford, Garland, Gresham, Griffin of J. Henry, Hunter, Hutchinson, James, Jemison, Mason, B. Mcalpin, R. Mcalpin, S. Mcalpin, McLemore, Mitchell, Moore, moores, Morgan, mundy, Musgrove, Norris, Norwood, Phillips, Rhodes, Rogers, Scott, Spruell, Steele, Stinson, Troup, Walker of B. Wallace, Ware, Winston and Young.

mr Hogan, from the committee on the State bank and branches, reported a bill to close and liquidate the affairs of the branches of the bank of the State of Alabama at Mobile and Decatur, which was read.

mr Hogan moved that the bill lie on the table, and that 200 copies be printed; which was carried.

SATURDAY AFTERNOON, ten minutes before two o'clock.

mr Davenport moved that the House adjourn until Monday morning 10 o'clock; which was carried. Yeas 46, nays 43.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Low, Barker, Burleson, Cain, Clemens, Covington, Crenshaw, Davenport, Davis of B. Fletcher, Garland, Griffin of S. Hammond Haughton, Heflin, Henry, Henslee, Hogan, Hunter, James, Jones of Cov. Jemison, Kennedy, King, March-banks, mason, McAlister, R. mcAlpin, mitchell, morgan, Mundy, musgrove, Perkins, Reynolds, Rice, Rushing, Smith of T. Steele, Storrs, Taylor, Troup, Walker of L. Winston, Woodward Wynn and Young.

Those who voted in the negative are, messrs Speaker, Alexander of Land. Allen, Armbrister, Barron, Griffin of J. Griffin of m. Harris, Hendricks, Hutchinson, Jones of m. Jefferson, Justice, B. mcAlpin, McLemore, mcmillion of B. mcmillion of J. moores, Norman, Norris, Norwood, Phillips, Randolph, Rhodes, Rogers, Scott, Smith of J. Smith of L. Spruell, Stinson, Valliant, Walker of B. Wallace, Ware and Yancey.

The House then adjourned.

MONDAY, DECEMBER 13, 1841.

The House met pursuant to adjournment.

Mr. Henslee introduced joint resolutions for the survey of the county of Cherokee, and for other purposes, which was read the first and second times forthwith.

Mr. Cochran moved the following amendment :

" That the said surveyors hereby appointed shall take and subscribe an oath and file it with the clerk of the Circuit Court of Cherokee county, to make a true and impartial survey, and report: And that the surveyor of De Kalb, be notified when said survey shall take place, in order to aid in said survey of the line between Cherokee and DeKalb, *Provided*, that the counties of Cherokee and DeKalb shall pay all expenses occasioned by the survey.

The resolution and amendment were then referred to the delegation from Cherokee, DeKalb and Benton.

Accounts were presented by Messrs. Perkins and Davis of Bibb, which were read and referred to the committee on Accounts.

Mr. Norman presented the petition of citizens of Franklin county, which was read and referred to the committee on the judiciary.

Mr. Ware introduced Joint Resolutions.

Mr. Clemens moved to postpone the further consideration thereof, until Wednesday, at the hour of 12 o'clock, which was carried.

Mr. Moors who voted in the majority on the passage of the bill from the Senate, " To enable the joint examining committee more efficiently to investigate bank frauds," moved to reconsider that vote.

Mr. Covington presented the petition of Samuel T. Williamson and others, which was read and referred to the committee on Education.

On motion of Mr. Cain,

*Resolved*, That the petition of sundry citizens of Walker, praying the impeachment of John E. Clancey, Judge of the County Court, of said county, be referred to the Judiciary committee, with instructions to frame articles of impeachment, if necessary, to report a proper notice to the said John E. Clancey, and suggest the manner of proceeding and taking testimony in the said case, and report as early as possible.

Mr. Griffin of Shelby, made the following report :

The committee on Enrolled Bills, have examined and found correctly enrolled bills which originated in the Senate of the following titles :

An act to fix and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia, in the city and county of Mobile.

An act to authorize the executors of David White to administer said decedants estate in the county courts of certain counties therein named.

Also a Joint Resolution authorizing Arthur Foster, to draw and receipt for the pay of John H. Garrett, deceased, late a member of the House of Representatives, for the county of Cherokee.

The House resumed the consideration of the bill for the improvement of the Alabama river.

The question was on Mr. Norris' motion to fill the blank with the word twenty, and lost, yeas 35, nays 53.

The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs. Barron, Bradley, Cain, Cochran, Covington, Crenshaw, Davis of B. Davis of L. Erwin, Ford, Henry, Henslee, Houston, Hutchinson, James, Jefferson, Justice, Mason, B. McAlpin, R. McAlpin, McLeod, Mcmillion of J. Moore, Norris, Norwood, Phillips, Reynolds, Rice, Scott, Steel, Stinson, Walker of B. Ware, Woodward, and Yancey.

Those who voted in the negative, are Messrs. Speaker, Alexander of Land. Alexander of Low. Allen, Barker, Bishop, Burleson, Clemens, Davenport,

Fletcher, Gardner, Garland, Griffin of J. Griffin of M. Hammond, Harris, Haughton, Heflin, Hogan, Jones of Con. Jones of Cov. Jones of M. Jemison, Kennedy, Kidd, King, Marchbanks, McAllister, S. McAlpin, Mitchell, Moors, Mundy, Musgrove, Norman, Perkins, Randolph, Rhodes, Rogers, Rushing, Smith of J. Smith of L. Smith of T. Spruell, Strode, Taylor, Troup, Valliant, Walker of Law. Wallace, Winston, Wynn and Young.

Mr. Clemens then moved that the bill be indefinitely postponed, which was carried, yeas 59, nays 46.

The yeas and nays being demanded, those who voted in the affirmative are, Messrs. Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Bishop, Burleson, Clemens, Crawford, Davenport, Fletcher, Gardner, Garland, Griffin of J., Griffin of M., Hammond, Harris, Haughton, Heflin, Hendricks, Jones of Con., Jones of Cov., Jones of M. Jemison, Justice, Kidd, King, Marchbanks, McAllister, S. McAlpin, McLemore, Moore, Morgan, Mundy, Norman, Randolph, Rhodes, Rushing, Smith of J., Smith of L. Smith of T. Spruell, Strode, Taylor, Troup, Valliant, Walker of L., Wallace, Winston, and Young.

Those who voted in the negative are, Messrs. Speaker, Barron, Bradley, Cain, Cochran, Covington, Crenshaw, Davis of B., Davis of L., Erwin, Ford, Gresham, Griffin of S., Henry, Henslee, Hogan, Houston, Hutchinson, James, Jefferson, Kennedy, Mason, B. McAlpin, R. McAlpin, McLeod, McMillion of B., McMillion of J., Mitchell, Moores, Musgrove, Norris, Norwood, Perkins, Phillips, Reynolds, Rice, Rogers, Scott, Steele, Storrs, Stinson, Walker of B., Ware, Woodward, Wynn, and Yancey.

A message from the Senate by Mr. Clitherall :

*Mr. Speaker:* The Senate has passed the following bills from the House of Representatives.

An act to incorporate the town of Dadeville, in Tallapoosa county, and have amended the same as therein shown.

An act to appoint Court House Commissioners of the County of Tallapoosa, and for other purposes, and have amended the same as therein shown.

An act to incorporate the medical Society, of the city of Mobile, and for other purposes, and have amended the same, as therein shown.

An act to repeal in part an act entitled an act, regulating punishments, under the Penitentiary system; approved January 9, 1841, and have amended the same as therein shown.

An act to repeal the General Ticket Law.

The Senate has also originated and passed bills of the following titles :

An act for the benefit of Sally Partain, wife of James Partain, of Blount County.

An act to incorporate the Magnolia Male and Female Academy, in the County of Marengo.

An act to establish a Board of Physicians in the town of Jacksonville.

An act to amend an act entitled an act relating to absconding slaves, approved January 28, 1839.

An act to amend an act, passed the 7th day of January, 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city of a supply of wholesome water to be used for domestic purposes, and extinguishment of fires.

Also Joint Resolutions proposing to alter the 12th section of the 5th article of the Constitution of the State of Alabama, so as to make the Judges of the County Courts elected by the people.

And preamble and joint resolutions in relation to the proceeds of the public lands.

In all of which the concurrence of your honorable body is respectfully asked.

Mr. Young made the following report :

The joint select committee appointed to investigate the frauds committed and frauds alledged to have been committed upon the Bank of the State of Alabama and its several branches, who were instructed to investigate certain charges against Samuel F. Rice, a member of the House of Representatives and others, in relation to certain transactions with the Branch Bank at Decatur, have according to order, investigated said matters in relation to Mr. Rice, and in obedience to a resolution of said committee, I report, and submit to the House of Representatives, a certified copy of the evidence taken in said case.

Messrs. Jno. Glass, S. O. Nelson, James C. Malone, then came before the committee, and were sworn.

Mr. S. O. Nelson was first examined and testified to certain facts in relation to papers offered to the Decatur Bank for discount, Twenty four hundred dollars of which were purchased. At the request of the committee, he then presented an abstract from the offering Book of the Decatur Bank, of which the following is a correct copy, to wit :

OFFERING, March 31, 1841.

"Simeon Douglass, Richard Grantham, Isaac McCannon on  
George A. Smith, New Orleans, \$5000 R.  
"Samuel F. Rice."

on George A. Smith, \$5000 R.

OFFERING, April 7, 1841.

Isaac McCannon, Henry Perry, George Graves on  
George A. Smith, New Orleans, at 4 mo's. \$2400 D.

Henry Perry, Isaac McCannon, Richard Grantham on  
George A. Smith, New Orleans, at 4 mo's. \$2200 R.

The witness, Mr. Nelson, then read two letters from Mr. Rice, recommending paper, which read as follows :

COPY.

*To the President and Directors of the Branch of the Bank of the State of Alabama at Decatur.*

Gentlemen: I offer the accompanying bill to take up my bill and note now due your Bank, the balance of the proceeds of the bill to be paid in cash.

I have not heretofore been punctual in my payments in your bank, the reason and excuses I have verbally stated to some of your board. If now you will discount the bill offered, I make the most solemn pledge that man can give, to meet it punctually. I would be glad to have an opportunity to reinstate my credit in your bank. I am actually in need of the money I ask for, to meet a contract made for cotton. I do not ask for money for speculation, but to be used in business perfectly legitimate and proper. It is impossible for

the board to know any man's intentions; but I here repeat that I will meet the bill, if discounted, at all hazards and at any cost.

With the highest respect,

(signed)

SAMUEL F. RICE.

April 8, 1841.

(*Second Letter. Copy.*)

Mr. Lyle: I have learned the decision of the Board in relation to my bill, and whilst I cannot complain at it, but highly respect it, I hope you will pass the two bills for \$2200 and \$2400, just sent in by Mr. Nelson. I am assured of the good wishes of the board, and their strong disposition to help me if they could do it consistently with their established rules; they have decided they cannot do that—and now if you can discount the two last bills offered, I think I can get money enough of their owners to enable me to go to the called session. So manage it if possible.

Respectfully,

(Signed,)

SAMUEL F. RICE.

Witness then produced the letter of Nathaniel Terry of Limestone county, recommending two bills of exchange—one to be offered by Simeon Douglass, the other by Samuel F. Rice, for \$5000 each, of which the following is a true copy:

Gentlemen—There will be offered to your institution, a bill of exchange drawn by Simeon Douglass upon George A. Smith of New Orleans, for \$5000, payable five months after date. I only now (know) Mr. Douglass, and the acceptor. Mr. Douglass is entirely solvent, and Smith is said to be so—and the endorsers are said to be good.

Also a bill drawn by Samuel F. Rice upon George A. Smith, for \$5000, and endorsed by H. W. W. Rice and H. F. Evans. I do not now (know) Mr. Evans; but the maker and H. W. W. Rice are good for a much larger amount; and in my opinion, the bank will be running no risk in discounting both bills.

I am respectfully, yr. ob't serv't,

NATHANIEL TERRY.

The witness, Nelson, when Mr. Rice was at Decatur last, heard him make no threats. Mr. Rice stated the reason why we have been trying to remove the bank is, because you won't give us as much accommodation as we want. If you would do that, we would not be in favor of the removal.

Witness supposed when Mr. Rice used the word "we," he only meant the people in his part of the State, or the Legislature; but did not think he had reference to himself alone. This conversation took place before the final action of the board on the paper; but thinks it was on the day when the first paper was offered.

Witness thinks he never mentioned this conversation until the commissioners commenced their investigation. He heard the report of the commissioners read, and understood it referred to General Garrett and Mr. Horne, and not to Mr. Rice, so far as promises or threats are concerned.

Witness thinks Mr. Rice spoke of the parties on all the paper he offered as good and solvent, without the endorsement of Rice and Douglass. The original parties to the \$2400 bill were considered by the agent of the bank as not good, but supposed the endorsement of Rice and Douglass would make it so. The two \$5000 bills were offered on the 31st day of March—one was

offered by mr Douglass, the other by mr Rice. The \$2200 and \$2400 bills were not offered until the 7th of April.

Witness supposes one of the reasons why the \$5000 bill was not discounted, was because Rice was under protest; but thinks it would not have been taken even if the note had been, because it was thought the amount was too large, though paper is frequently discounted when a party is under protest as endorser.

The bank does sometimes discount paper with the understanding that other names are to be added, with the provision that the discount is not made until the other names are added to the paper, that is, when paper is offered for renewal or where the proposed endorsers are out of the way; he recollects no exceptions.

Witness thinks the board had no doubt of the solvency of the paper offered by mr Rice.

Witness saw nor heard nothing from Mr Rice, to induce him to suppose he was endeavoring to use the weight of his official character to induce the board to act improperly.

This witness then retired.

And mr James C. Malone, was next examined.

Mr Malone is a director of the Decatur bank, and was present when the paper was offered by mr Rice. Witness did not understand mr Rice as trying to use his official weight to try and have the bank removed, but as the witness understood, merely spoke as a private citizen of Talladega county. He said that "we" meaning, as witness supposes, the people of Talladega, have been opposed to the location of your bank; but if we can get an accommodation, we think we are entitled to, our opposition will cease.

Witness did not understand mr Rice as using any threats or promises, nor did he hear of any until he came to Tuscaloosa, which were intended to induce the board to act improperly, but was disposed to look upon what Rice said as an honest statement of his sentiments.

The bill for \$2400 was discounted some time in April,—it has not been paid; there was no recommendation to this bill, to the best of Witnesses knowledge, except of mr Rice and mr Douglass, which were verbal, and were recommended before their own names were attached to the paper.

Witness states, we should not have required the endorsement of Rice and Douglass, but for the fact, that the bill was drawn and endorsed by strangers, and seeing Smith's acceptance so frequently, the board were induced to think that Smith was not conducting his business with as much caution as formerly, and they did not like to purchase his acceptances without good endorsers.

At this point in the examination, a member of the committee made the following note, which was ordered to be entered upon the journal.

"It being suggested that this committee had no power to investigate any charge against a member, without leave of the House, and the committee being of opinion, that the charge of recommending bad paper, was not contained in the resolutions, and that we had no power to investigate that charge against mr Rice."

Mr Rice appeared, waived his privilege and requested that the investigation should go on.



The committee then proceeded with the examination of the witness. Malone.

He said "the original parties to the \$2400 bill, the agent of the bank thought were not good; this Mr Rice admitted, excepting so far as the acceptors were concerned, of whom he knows nothing but from rumour, but the understanding with the board was, that his own or Mr Douglasses or both names should be added, if the paper was discounted:

Witness then stated in substance, that the board agreed, the paper would be discounted, if Rice and Douglass would put their names to it, who were considered at that time good.

This paper (the small bills,) were not offered on the first day; the main object of Mr Rice appeared to be to get the \$5000 bill purchased. The fact however, that he had two smaller bills, was mentioned to the board. The main reason why the \$5000 bills were not taken, was that they were large and the board thought they would be running too much risk.

The board had assurances from Mr Rice, that the \$2200 and \$2400 bills were good, without the names of Rice and Douglass: there was no understanding at the time they were offered, that if discounted, that Rice or Douglasses name would be added. It is possible that individual members of the board might had that understanding with Mr Rice, without his (witnesses) knowledge.

The board required the names of Rice and Douglass to be added, because they knew them and believed them to be good and solvent.

Mr John Glass was next examined.

Mr Glass was present at the board when Mr Rice's paper was discounted; he cannot be positive which paper Mr Rice recommended—whether he said small bills or the large ones were good. They required the names of Rice and Douglass, because the board thought it would make the paper better.

Dr Shackelford assured witness that Rice was good, but knew nothing of the acceptor Smith.

Witness said to Mr Rice, that if he and Douglass would put their names to the paper it would be discounted. The reason why the larger bills were not discounted was, because some of the parties were under protest.

Witness heard Mr Rice make no threats; he heard him say much about moving the Decatur bank, but had frequently heard him speak in that way before.

He knows that Smith was reputed to be a commission merchant in New Orleans.

Witness believes that Rice put his name to the paper with reluctance.

Witness never saw the commissioners report until he came to Tuscaloosa.

Witness does not say positively, whether it was the large bills offered by Rice or the small ones, that Rice recommended.

Witness thinks the board believed the \$2400 bill was better than the \$2200, bill which was offered at the same time.

The \$2400 bill was discounted upon the condition that Rice and Douglass put their names to it. It was understood by the board, that the names of Rice and Douglass should go on the bill before it was discounted.

Mr Rice never said any thing about putting his name to the paper, until he was informed it had to be done—so far as witness knows.

Mr Malone re-examined.

Thinks the board knew that the names of Rice and Douglass would be added to the paper before it was discounted, some member of the board so stated, and intimated before the board acted on the paper; and witness thinks that in consequence of this statement, the President was sent to messrs Rice and Douglass, to see if they would add their names; they agreed to do so and the paper was discounted.

The paper was offered for discount without the names of messrs Rice and Douglass, and there was at first no intimation that their names were to be added, until it was understood that the board would not discount without them; the paper was recommended by them as good in the first instance.

I certify that the foregoing is a correct copy of the evidence in relation to the charges preferred against Samuel F. Rice, as it was taken down and ordered by the committee to be entered upon the journal.

Signed,

D. WOODRUFF, Secretary  
of the joint examining committee.

Mr Clemens then offered the following resolution:

Resolved, That the charges heretofore preferred against Samuel F. Rice, of attempting by improper means to influence the conduct of the directors of the branch bank at Decatur, and of recommending paper notoriously bad, and known by him to be so, with the view of defrauding that institution, are wholly unsustained by the evidence, and in the opinion of this House, the said Samuel F. Rice, is entirely guiltless of any such conduct.

Mr Erwin moved the following amendment:

Resolved further, That in the opinion of this House, the commissioners making the report, upon which these charges are founded, have reported the same in good faith, and that no censure should attach to them or either of them.

Mr Jemison then moved to lay the resolution and amendment on the table, and to print; which was lost.

The question recurred upon Mr Erwin's amendment; and carried.

The question was then taken on the adoption of the resolution as amended; and carried. Yeas 73. Nays 00.

The yeas and nays being demanded.

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Bishop, Burleson, Cain, Clemens, Cochran, Covington, Crenshaw, Crawford, Davis of B., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Houston, Hutchinson, James, Jones of Con., Jones of Cov., Justice, Kidd, King, Marchbanks, Mason, McAllister, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Norman, Norris, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of J., Smith of S., Smith of Tusk., Steele, Strode, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Winston, Woodward and Young.

No one voting in the negative.

Mr Griffin of M., then moved that this House adjourn until half past 6 o'clock; which was carried.

NIGHT SESSION, half past 6 o'clock.

The House met pursuant to adjournment.

Mr Jenison moved to lay the message from the Senate, now pending before the House, on the table; which was carried.

Mr Jenison moved to postpone the special order of the day; which was carried.

Mr Wynn, from the committee on roads, bridges and ferries, to which was referred the petition of citizens of the town of Irwinton, reported unfavorably, and asked leave to be discharged from the further consideration thereof; which was granted.

Mr B. McAlpin, from the committee on privileges and elections, to which was referred the bill from the Senate to prevent frauds in elections, reported sundry amendments.

Mr Erwin moved to amend the 1st section of the bill by striking out the word "to," two insert the word "one."

Mr Reynolds moved the following amendment: Whenever "shall be fined or shall be imprisoned," occurs, strike out the words, "at the discretion of the court," and insert at the discretion of the jury trying the same."

Mr Davis of Limestone moved to amend it by way of the following proviso:

Provided, that this act shall not be so construed as to prevent voters from voting in the election of President and Vice President of the United States, Governor of the State, and members of Congress, in any county of this State; which was lost.

The bill was then ordered to a third reading.

Mr Walker of Benton made the following report:

The committee on the judiciary, to which was referred the petition of the citizens of Walker county, preferring charges against Jno. E. Clancey, judge of the county court of said county, according to order, have had the same under consideration, and have instructed me to report, that the charges set forth in said petition are grave and serious, and if substantiated by proof, will afford sufficient ground to prefer charges of impeachment.

The committee report the following resolutions:

Resolved, that the judiciary committee, to which was referred the petition of the citizens of Walker county, preferring charges against John E. Clancey, judge of the county court of said county, have full power and authority to send for persons and papers touching the charges against said John E. Clancey, investigate and report the same.

Resolved further, said committee shall have power to issue all such process of notice to said John E. Clancey, as may be necessary; also, to issue subpoenas for such witnesses as may be material, which process shall be signed by the chairman of said committee.

Resolved further, said committee shall have power through their chairman to appoint a sergeant at arms, to execute and return all such process as may be issued by such committee during the investigation aforesaid; which was adopted.

Mr Walker of Benton, from the judiciary committee, to which was referred the bill from the Senate to repeal in part and amend the law regulating the practice in chancery courts, reported amendments.

Mr Clemens moved that the bill and amendments lie on the table; which was carried.

Mr B. McAlpin, from the select committee to which was referred the bill

to alter and amend the charter of the city of Mobile, reported a substitute in lieu thereof.

Mr R. C. McAlpin introduced a substitute in lieu of the one reported by the committee; which was rejected. Yeas 30—Nays 51.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Barron, Bradley, Cain, Covington, Crenshaw, Davenport, Davis of B., Erwin, Gresham, Henry, Hunter, Griffin of S., Hutchinson, Jones of Con., Jefferson, Kidd, R. C. McAlpin, McLemore, Mitchell, Morris, Mundy, Norris, Rhodes, Scott, Smith of T., Spruell, Storrs, Stinson, Wallace and Ware.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Barker, Bishop, Burleson, Clemens, Davis of L., Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Hendricks, Henslee, Hogan, Houston, James, Jones of Cov., Jones of M., King, Marchbanks, McAllister, B. McAlpin, McMillion of B., McMillion of J., Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Smith of L., Steele, Strode, Taylor, Troup, Valliant, Walker of B., Walker of L., Winston, Woodward, Wynn and Yancey.

Mr Erwin moved to amend the bill by striking out the word "September" wherever it occurs in the bill, to insert "November;" which was carried.

The substitute was then adopted.

Mr R. C. McAlpin moved to amend by way of the following proviso:

Provided, that the provisions of this act shall be submitted to a vote of the qualified voters of Mobile city, on the 4th Monday of March next, and if approved, they shall be in force in said city; which was lost.

The bill was ordered to be engrossed for a third reading.

Mr Woodward, from the select committee to which was referred the bill to declare the Noxubee river a navigable stream, reported an amendment by way of proviso; which was adopted.

It was read the third time forthwith, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Clemens moved that the House adjourn until to-morrow morning 10 o'clock; which was lost. Yeas 27—Nays 42.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Alexander of Low., Barker, Cain, Clemens, Covington, Fletcher, Garland, Griffin of J., Harris, Hogan, James, Jones of M., Justice, Kennedy, King, McLemore, McMillion of J., Mitchell, Reynolds, Rice, Smith of J., Smith of L., Smith of T., Steele, Troup, Woodward and Yancey.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Allen, Barron, Bishop, Bradley, Burleson, Crenshaw, Davenport, Davis of B., Davis of L., Erwin, Ford, Gresham, Griffin of M., Griffin of S., Heflin, Hendricks, Henry, Henslee, Hunter, Hutchinson, Jefferson, Marchbanks, B. McAlpin, McMillion of B., Moors, Musgrove, Norris, Phillips, Randolph, Rodgers, Scott, Storrs, Strode, Stinson, Taylor, Valliant, Walker of B., Wallace, Ware and Winston.

Mr Norris moved the House adjourn until to-morrow morning half past 9 o'clock; which was lost. Yeas 17—Nays 47.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Alexander of Laud., Alexander of Lowndes, Allen, Barron, Brad-

ley, Cain, Davis of L., Ford, Henslee. Jones of M., Justice, Norris, Randolph, Stinson, Taylor, Winston and Woodward.

Those who voted in the negative are, Messrs Speaker, Barker, Bishop, Burleson, Clemens, Crenshaw, Davenport, Davis of B., Erwin, Fletcher, Garland, Gresham, Griffin of M., Griffin of S., Heslin, Hendricks, Henry, Hogan, Hunter, Hutchinson, James, Jefferson, Marchbanks, McAllister, B. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Musgrove, Phillips, Reynolds, Rice, Rodgers, Scott, Smith of J., Smith of L., Smith of T., Steele, Sterrs, Strode, Troup, Valliant, Wallace, Ware and Yancey.

Mr Taylor, from the select committee to which was referred the petition of citizens of Marion county; reported a bill to locate the seat of justice of Marion county, and for other purposes; which was read and ordered to a second reading.

Mr Crenshaw, from the select committee to which was referred the bill to extend the term of the sittings of the court of chancery at Clayton, and for other purposes, reported a substitute in lieu thereof.

Mr Winston moved to recommit the bill.

Mr Strode moved that the House adjourn until to-morrow morning at 10 o'clock—a quorum not being present.

Mr B. McAlpin moved that the House adjourn until to-morrow morning half past 9 o'clock; which was carried.

And then the House adjourned.

TUESDAY, Dec. 14, 1841.

The House met pursuant to adjournment.

Mr Musgrove presented the petition of citizens of Blount county, which was read and referred to the delegation from the counties of Blount and Jefferson.

Mr McMillion of Jefferson presented the petition of citizens of township 15, range 1 east, lying in the counties of Jefferson and St. Clair; which was read and referred to the committee on education.

Mr Moors presented the petition of Caroline Brackenridge and others; which was read and referred to the committee on education.

Mr Hutchinson called up the petition from citizens of Montgomery county; which was read and referred to the committee on privileges and elections.

Mr Heslin introduced a bill to amend an act therein named; which was read the first and second time forthwith, and the rule being further suspended, it was read the third time, considered as engrossed, and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Gardner introduced a bill to incorporate Oak Grove male and female academy, in Pickens county; which was read the first and second time forthwith, and referred to the committee on education.

Mr Speaker laid before the House a communication from the President of the University, which was read and ordered to lie on the table.

Ordered that the House concur in the amendments made to the bill, to revive in part an act to revise, consolidate and amend the several acts relative to the militia of the State, passed 31st Dec., 1822.

The bill was ordered to be engrossed for a third reading.

Mr James, from the committee on ways and means, to which was referred the bill for the better regulation of taxing land in this State, and for other purposes, reported sundry amendments which were adopted; the bill was ordered to be engrossed for a third reading.

Mr Taylor from the committee on propositions and grievances, to which was referred the petition of Thomas B. Royston, reported a bill for the relief of Thomas B. Royston, which was read the first and second time forthwith, and the rule being suspended; it was read the third time, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr Davis of Bibb, from the committee on accounts, to which was referred sundry accounts, reported a bill to pay certain claims therein mentioned, which was read and ordered to a second reading.

Mr McAllister, from the military committee, to which was referred the bill to establish an additional regiment in the county of Randolph, reported a substitute thereto, which was adopted.

The bill was ordered to be engrossed for a third reading.

A message from the Senate by Mr Clitherall.

Mr Speaker,—The Senate has adopted joint resolutions, in which the concurrence of the House of Representatives is respectfully asked.

Mr Clemens moved that the resolutions lie on the table, which was carried.

Mr Hogan, from the committee on the State bank and branches, to which was referred the bill from the Senate, to reduce the number and change the mode of electing the directors of the bank of the State of Alabama and its branches, reported amendments thereto.

Mr Sprewill then moved that the bill be indefinitely postponed, which was carried.—Yeas 62, Nays 29.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Speaker, Alexander of Lowndes, Armbrister, Barker, Barron, Bradley, Cain, Chiles, Clemens, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of M., Griffin of J., Griffin of S., Harris, Haughton, Houston, Hutchinson, James, Jones of con., Jones of Cov, Jefferson, Jemison, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, McMillion of J., Mitchell, Moore, Moors, Mundy, Musgrove, Norman, Norris, Perkins, Phillips, Randolph, Reynolds, Rhodes, Rodgers, Scott, Smith of J., Spruill, Storrs, Strodé, Stinson, Troup, Valliant, Walker of L., Ware and Young.

Those who voted in the negative are messrs Alexander of Laud., Allen, Bishop, Burleson, Cochran, Davis of L., Hammond, Heflin, Henslee, Hogan, Jones of M., Kennedy, King, Marchbanks, McAllister, Morgan, Rice, Rushing, Smith of J. Smith of L., Steele, Taylor, Walker of B. Winston, Woodward, Wynn, and Yancey.

Mr Hogan made the following report:

#### MINORITY REPORT.

The chairman of the committee on the State bank and branches, has, in obedience to the decision of a majority of said committee reported:

"That it is inexpedient to pass the bill which originated in the Senate, entitled an act to reduce the number, and change the mode of electing bank



directors, but in behalf of himself and those he represents, he feels bound to enter his minority report, against the report of the committee, and hopes the house will not concur in said report, but will pass the bill.

From a long and intimate acquaintance with the legislation of this State, and particularly with that on the banks, he is well convinced that the present loose and deleterious mode of electing bank directors, is the most dangerous and irresponsible that could be devised. The results have shewn that men have been elected without one solitary qualification to fit them for the office, and when it has been found that they are totally ignorant of any principle of banking; incompetent even to the arrangement of a small country store, the question frequently arises, who nominated, or could think of electing such a man to be entrusted with millions of dollars. All that can be known then is, that he was voted for, but on whose nomination or recommendation no one knows, as no record is kept of the name of the nominator, and among a body of one hundred and thirty members, comprising the two branches, all responsibility is lost sight of.

It not unfrequently happens that men of moral worth, & who are in every way calculated to discharge the duties of a director with ability, are beaten by others wholly inferior to them, through the instrumentality of an active friend.

The direct connection between candidates and members has been shewn by the records of the banks to be deleterious, and should be changed.

The system of electioneering, heretofore so extensively practised to secure directorship, could be broken up by the passage of this bill, and applicants for appointment would stand on their character and qualifications alone. The Governor would be compelled, in order to sustain his own character, to place before the legislature no names but able, irreproachable men.

The history of the last eight years legislation in relation to the appointment of bank directors will show its vicious tendency, and calls most loudly for reform. Nothing can be of more importance to the whole people of this State, than that able and competent men to manage the banks, which are the property of the State of Alabama. Your bank reports show that the State is indebted for the capital of your bank \$11,500,000; and also that the people of Alabama are indebted to the banks, (I refer here to the year 1840, as I have no means of knowing what it is this year) \$20,593,693.

Thus we find the directors entrusted with the careful management of the enormous sum of \$32,093,693, and all this responsibility is thrown on the hands of thirty-five men scattered over the State in the five banks. Is it not then of vital importance, not only to the banks, but to every citizen of the State, that these thirty-five men shall be selected for their skill in finance, their honesty, integrity and devotion to the interest of the State; and that their minds should be uninfluenced by the trials and importunities, if at any time any such be made, of members of the legislature, or any other power?

Is it not important that there should be an entire separation between the members and directors? And that the directory should be placed above all fear from individual members, who may wish to obtain discounts, when the character of the paper is such that it should not be granted? It has been said that the legislature is as honest as the Governor, Admit it. The Governor's responsibility reaches every portion of the State, while that of a

member is confined to the county he represents, and frequently to a majority of the voters of the county only.

The responsibility of a member in the present mode of electing is lost in the mass, whereas the responsibility of the Governor is personal and direct.

It has also been said that the Governor would be likely to nominate his particular friends, and perhaps from his partizans. In reply to that insinuation, I refer to the bills by which it will be seen that the power of election is given directly, and rests on the minority party, and the power would be theirs to defeat such nomination.

The 1st section provides that the Governor shall, within the 1st week of the passage of the bill, nominate eight persons for each bank, and at every session hereafter, within the first four weeks of the session, the same number of persons; half that number shall be elected for each directory.

The 2d section provides that a majority of two thirds of those voting shall be necessary to a choice.

Thus the minority will ever have it in their power to reject any improper person nominated, or even the whole number, and at once prevent any incompetent persons from being appointed.

The 3d section provides, or requires that the Governor shall make another nomination, and forbids the re-nomination of any person previously rejected.

Thus the rights of every portion of the legislature are protected, the election placed in the hands of the minority party of the Legislature, and any abuse of power by any Governor, checked.

Under these views the chairman must protest against the report he has been directed to make, and hopes the House will not concur in said report, but will pass the bill.

JNO. B. HOGAN,

Chairman com. on State bank and branches.

A message from the Governor by Mr Harrison.

Mr Speaker,—His Excellency, the Governor, did, on this day, approve sign bills of the following titles, to wit:

A bill to be entitled an act for the relief of Harriet Hatfield

A bill to be entitled an act for the relief of Sarah Squires.

A bill to be entitled an act to regulate the proceedings of the several circuit courts of this State.

A bill to be entitled an act to alter and amend the laws of this State, relative to the collection of claims against steam boats and other water crafts navigating the waters of Alabama.

Which bills originated in the House of Representatives.

Mr McMillion of Jefferson made the following report:

The committee on enrolled bills have examined, and find correctly enrolled, bills of the following titles, to wit:

An act to divorce Joseph Daniel from his wife Huldah Daniel.

An act to divorce Amanda White from her husband William H. White.

An act to incorporate the Burnt Corn male academy, in the county of Conecuh.

An act for the benefit of the estate of John S. Gray, deceased.

On motion of Mr Clemens,

**RESOLVED**, that the Governor and Trustees of the University be requested to furnish this House with a statement of the amount expended in building

ding a house for the President of the University; by whom said appropriation was made, and what were the circumstances which were thought to justify it: and also that the Governor and Trustees of the University be requested to inform this House if any of the Professors of said University are engaged in any other business or pursuit to the neglect of their official duties.

The bill to accept the two per cent fund.

Mr Crenshaw moved that it lie on the table, which was carried.—Yeas 21, Nays 72.

The yeas and nays being demanded,

Those who voted in affirmative are messrs Alexander of Loud., Burleson, Clemens, Cochran, Fletcher, Garland, Haughton, Heflin, Marchbanks, McAllister, McMillion of B., McMillion of J., Musgrove, Randolph, Rushing, Smith of L., Strode, Taylor, Troup, Valliant and Wynn.

Those who voted in the negative are messrs Speaker, Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Erwin, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Hendricks, Henselee, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Jenison, Justice, Kennedy, Kidd, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Moors, Morgan, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Reynolds, Rice, Rhodes, Rodgers, Scott, Smith of J., Spruill, Steele, Storrs, Stinson, Walker of B., Walker of L., Ware, Winston, Woodward, Yancey and Young.

Mr Rice moved to amend it by adding thereto, three additional resolutions

Mr Clemmens moved to refer the bill to the judiciary committee, which was lost.—Yeas 36, Nays 56.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Speaker, Alexander of Loud., Armbrister, Burleson, Clemens, Cochran, Davis of L., Fletcher, Garland, Griffin of J., Haughton, Heflin, Henselee, Jones of Cov., Marchbanks, McAllister, B. McAlpin, McMillion of B., McMillion of J., Mundy, Musgrove, Norman, Randolph, Reynolds, Rice, Rushing, Smith of L., Spruill, Steele, Strode, Taylor, Troup, Valliant, Walker of L., Winston and Wynn.

Those who voted in the negative are messrs Alexander of Low., Allen, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Hendricks, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Jenison, Justice, Kennedy, King, Kidd, Mason, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Morris, Musgrove, Norris, Norman, Perkins, Phillips, Rhodes, Rodgers, Scott, Smith of J., Storrs, Stinson, Walker of B., Ware, Woodward, Yancey and Young.

Mr Clemens then moved to lay the bill upon the table, which was lost.—Yeas 26, Nays 69.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Alexander of Loud., Burleson, Clemens, Cochran, Fletcher, Garland, Griffin of J., Haughton, Heflin, Jones of Cov., Jones of M., Marchbanks, McAllister, McMillion of B., McMillion of J., Musgrove, Randolph, Reynolds, Rice, Rushing, Smith of L., Strode, Taylor, Troup, Valliant and Wynn.

Those who voted in the negative are messrs Speaker, Alexander of Low, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Hendricks, Henslee, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Moors, Morgan, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Rhodes, Rodgers, Scott, Smith of J., Smith of T., Spruill, Steele, Storrs, Stinson, Walker of B., Walker of L., Ware, Winston, Woodward, Yancey and Young.

The question then recurred on Mr Rice's amendment.

Mr Ware moved the previous question, which call was not sustained. Yeas 34, Nays 53.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Alexander of Lowndes, Allen, Cain, Clemens, Davenport, Ford, Gardner, Gresham, Griffin of M., Hammond, Harris, Hogan, Houston, Hunter, James, Jones of Con., Jefferson, Justice, Kennedy, King, Mason, Moore, Morgan, Norwood, Phillips, Randolph, Rhodes, Scott, Smith of J., Smith of T., Steele, Stinson, Walker of B., Ware and Winston.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Armbrister, Barker, Bishop, Bradley, Burleson, Cochran, Covington, Crawford, Davis of B., Davis of L., Fletcher, Garland, Griffin of J., Houghton, Heflin, Hendricks, Henry, Henslee, Hutchinson, Jones of Cov., Jones of M., Jemison, Kidd, Marchbanks, R. C. McAlpin, B. McAlpin, McMillion of B., McMillion of J., Mitchell, Moors, Mundy, Musgrove, Norman, Reynolds, Rice, Rodgers, Rushing, Smith of L., Spruill, Storrs, Strode, Taylor, Troup, Valliant, Walker of Law., Woodward, Wynn, Yancey and Young.

The question again was on Mr Rice's amendment.

Mr Winston moved to amend it by striking out the word "enacted;" which was lost.

Mr Rice then asked leave to withdraw the amendment; which was granted.

Mr Rice then moved to amend the bill by adding thereto three additional sections.

The question was on the adoption of the amendment, and lost. Yeas 25—Nays 67.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Alexander of Laud., Armbrister, Bishop, Burleson, Cochran, Fletcher, Garland, Griffin of J., Heflin, Jones of Cov., Justice, Marchbanks, McAllister, McMillion of B., McMillion of J., Mundy, Musgrove, Rice, Rushing, Smith of L., Taylor, Troup, Valliant, Walker of Law. and Wynn.

Those who voted in the negative are, messrs Speaker, Alexander of Low., Allen, Barker, Barron, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Houghton, Hendricks, Henslee, Hogan, Houston, Hunter, Hutchinson, James, Jones of Con., Jones of M., Jefferson, Jemison, Kennedy, Kidd, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Reynolds, Rhodes, Rodgers, Scott, Smith of J., Spruill, Steele, Storrs, Strode, Stinson, Walker of B., Ware, Winston, Woodward, Yancey and Young.

The question was then on ordering the bill to a third reading, and carried. Yeas 68—Nays 22.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Hendricks, Henslee, Hogan, Hunter, Hutchinson, James, Jones of Con., Jefferson, Jemison, Kennedy, Kidd, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Morgan, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Reynolds, Rice, Rodgers, Rhodes, Scott, Smith of J., Smith of T., Spruill, Steele, Storrs, Stinson, Walker of B., Walker of Law., Ware, Winston, Woodward, Yancey and Young.

Those who voted in the negative are, messrs. Alexander of Laud., Burleson, Cochran, Fletcher, Garland, Haughton, Heflin, Jones of Cov., Jones of Madison, Justice, Marchbanks, McMillion of B., McMillion of Jackson, Musgrove, Randolph, Rushing, Smith of L., Strode, Taylor, Troup, Valliant and Wynn.

A message from the Governor by Mr Harrison.

EXECUTIVE DEPARTMENT,

Tuscaloosa, Dec. 14, 1841. }

To the Speaker of the House of Representatives:

Sir: In conformity to a resolution of the board of trustees of the University of Alabama, I invite your honorable body to attend the commencement exercises at the University on to-morrow at 10 o'clock, A. M., and solicit your acceptance of the same.

Signed

B. FITZPATRICK.

Mr James moved the message lie on the table.

Mr Davis of Limestone moved the House adjourn until half past 6 o'clock this evening. And then the House adjourned

NIGHT SESSION, half past 6 o'clock.

The House met pursuant to adjournment.

Engrossed bills of the following titles:

An act to reduce the number of company musters.

An act in relation to causeways in the county of Wilcox, were severally read the third time and passed.

Ordered that the titles be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate to prevent frauds in elections, was read the third time.

Mr Davis of Limestone moved to amend the bill by way of the following engrossed rider:

Provided that nothing in this act contained shall prevent any person duly qualified to vote for electors of President or Vice President of the U. States, or for Governor of the State of Alabama, from voting in any county of this State, or for any member of Congress within the district entitled to elect such member of Congress.

Mr Musgrove moved to amend Mr Davis's amendment by striking out the word "district," with the view of inserting the word "State;" which was lost.

Mr Erwin moved to strike out that part which relates to members of Congress.

Mr Mitchell moved to refer the bill to the judiciary committee; which was lost.

The question recurred on Mr Erwin's amendment, and lost.

The question recurred on Mr Davis' amendment and carried. Yeas 41—Nays 39.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Alexander of Laud., Alexander of Lowndes, Allen, Barron, Cain, Crenshaw, Davis of L., Fletcher, Gardner, Garland, Griffin of M., Griffin of S., Harris, Heflin, Hendricks, Marchbanks, Henslee, Hutchinson, Jones of Cov., Jones of M., Jefferson, Justice, Kidd, Marchbanks, Mason, McMillion of J., Moors, Mundy, Norris, Norwood, Rice, Rhodes, Rodgers, Scott, Smith of L., Steele, Taylor, Valliant, Wallace, Ware and Woodward.

Those who voted in the negative are, messrs Speaker, Armbrister, Barker, Bishop, Bradley, Clemens, Covington, Crawford, Davenport, Davis of B., Erwin, Ford, Gresham, Griffin of J., Haughton, Henry, Hogan, Hunter, James, King, B. McAlpin, McMillion of B., Mitchell, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rushing, Smith, of J., Smith of T., Spruill, Troup, Walker of B., Walker of Law., Winston, Wynn and Yancey.

Mr McMillion of Jefferson, who voted in the majority on the adoption of Mr Davis' amendment, moved to reconsider the vote; which was lost. Yeas 39—Nays 40.

The yeas and nays being demanded, those who voted in the affirmative are messrs Speaker, Alexander of Laud., Barker, Bishop, Cain, Clemens, Covington, Crawford, Davenport, Davis of B., Erwin, Gresham, Griffin of J., Haughton, Henry, Hogan, Hunter, James, Justice, B. McAlpin, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Randolph, Reynolds, Rushing, Smith of J., Smith of T., Spruill, Taylor, Troup, Walker of B., Winston, Woodward, Yancey and Young.

Those who voted in the negative are, messrs Alexander of Low., Allen, Armbrister, Barron, Bradley, Crenshaw, Davis of L., Fletcher, Ford, Gardner, Griffin of M., Griffin of J., Harris, Heflin, Hendricks, Henslee, Hutchinson, Jones of Con., Jones of M., Jefferson, Jemison, Kidd, Marchbanks, Mason, Moors, Mundy, Norris, Norwood, Phillips, Rice, Rhodes, Scott, Smith of L., Steele, Stinson, Valliant, Walker of Law., Wallace, Ware and Wynn.

The question was then put, Shall the bill pass? and determined in the negative. Yeas 16—Nays 62.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Allen, Barron, Gardner, Heflin, Henslee, Hunter, Hutchinson, Jones of Con., Jones of M., Moors, Mundy, Rice, Smith of L., Steele, Taylor and Valliant.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Alexander of Low., Armbrister, Barker, Bishop, Bradley, Cain, Clemens, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gresham, Griffin of J., Griffin of M., Griffin of S., Haughton, Henry, Hogan, James, Jefferson, Jemison, Justice, Kidd, King, Mason, B., McAlpin, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Norris, Norwood, Phillips, Randolph, Reynolds, Rhodes, Rushing, Scott, Smith of J., Smith of T., Spruill, Storrs, Stinson, Troup, Walker of B., Walker of Law., Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.



Mr Hogan who voted in the majority to reject the bill, moved to reconsider the vote.

Mr Clemens then moved to postpone Mr Hogan's motion just entertained.

Mr Young then moved to postpone Mr Hogan's and Mr Clemens motion until to-morrow; which was carried.

Mr Crenshaw offered the following resolution:

Resolved, That when the House adjourns to night, it will adjourn to meet again at half past 6 o'clock to-morrow evening, in order that the members of the legislature may attend the commencement exercises of the University, which takes place to-morrow.

Mr Reynolds then moved that the House adjourn until half past 6 o'clock to-morrow evening; which was lost. Yeas 31. Nays 47.

The yeas and nays being demanded.

Those who voted in the affirmative are, messrs Speaker, Chiles, Covington, Crenshaw, Davenport, Davis of B., Gardner, Griffin of S., Haughton, Henry, Hogan, Hutchinson, James, Jemison, B. McAlpin, McMillion of J., Mitchell, Moors, Norman, Phillips, Reynolds, Rushing, Smith of T., Spruill, Storrs, Walker of B., Walker of L., Wallace, Woodward, Yancey and Young.

Those who voted in the negative are, messrs Alexander of Land., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Clemens, Crawford, Davis of L., Erwin, Fletcher, Ford, Gresham, Griffin of J., Griffin of M., Hefflin, Hendricks, Henslee, Jones of Con., Jones of M., Jefferson, Justice, Kidd, King, Marchbanks, McMillion of B., Mundy, Musgrove, Norris, Randolph, Rice, Rhodes, Rodgers, Scott, Smith of J., Smith of L., Steele, Stinson, Taylor, Troup, Valliant, Ware, Winston and Wynn.

Mr Taylor then moved to amend Mr Crenshaw's resolution by striking out the word "half past six," with a view of inserting the word "three;" which was lost.

The question was on the adoption of the resolution, and carried. Yeas 52 Nays 21.

The yeas and nays being demanded:

Those who voted in the affirmative are, messrs Speaker, Alexander of Lowndes, Barker, Barron, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Fletcher, Ford, Gardner, Gresham, Griffin of J., Griffin of S., Haughton, Henry, Hogan, Hutchinson, James, Jones of Con., Jones of M., Jefferson, Jemison, King, B. McAlpin, McMillion of J., Mitchell, Moors, Norman, Norris, Phillips, Reynolds, Rice, Rhodes, Rushing, Scott, Smith of L., Smith of T., Steele, Storrs, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Woodward, Yancey and Young.

Those who voted in the negative are, messrs Alexander of Land., Allen, Armbrister, Bishop, Bradley, Cain, Davis of L., Griffin of M., Hefflin, Hendricks, Henslee, Justice, Kidd, Marchbanks, Musgrove, Randolph, Rodgers, Smith of J., Stinson, Taylor and Winston.

The bill to divorce Nancy P. Morrow from her husband, James Morrow, was read a second time, the rule being suspended, it was read a third time forthwith, and considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr B. McAlpin moved that the House adjourn; which was carried.

And then the House adjourned.

WEDNESDAY, Dec. 15, 1841.

Half past 6 o'clock, P. M.

The House met pursuant to adjournment.

The House resumed the consideration of Mr Hogan's motion to reconsider the vote on the rejection of the bill to prevent frauds in elections; which was carried. Yeas 43. Nays 24. The yeas and nays being demanded.

Those who voted in the affirmative are, messrs Speaker, Alexander of L., Allen, Burleson, Covington, Davis of L., Erwin, Garland, Hammond, Haughton, Hendricks, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Justice. Marchbanks, McAllister, B. McAlpin McMillion of B., McMillion of J., Moore, Morgan, Norman, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Steele, Smith of L., Strode, Taylor, Troup, Valliant, Walker of B., Winston, Woodward and Yancey.

Those who voted in the negative are, messrs Alexander of Low., Barker, Barron, Bradley, Cain, Chiles, Crenshaw, Davenport, Davis of B., Ford, Gardner, Griffin of J., Griffin of M., Griffin of S., Hutchinson, Jefferson, Kennedy, Kidd, S. McAlpin, Mitchell, Moors, Musgrove, Norris, Norwood, Phillips, Rhodes, Scott, Spruill, Storrs, Stinson, Walker of L., Wallace, Ware and Wynn.

Mr B. McAlpin moved that the bill be referred to a select committee.

Whereupon, messrs B. McAlpin, Reynolds, Hunter, Yancey and Clemens, were appointed said committee.

Mr Erwin moved to suspend the orders of the day until 12 o'clock tomorrow; which was carried.

Mr Crenshaw made the following report:

The committee on enrolled bills have examined and find correctly enrolled bill of the following title, to wit:

An act to repeal the general ticket law.

Ordered, that the House concur in the amendments made by the Senate to the bill for the relief of tales jurors, in the county of St. Clair and other counties.

Ordered, that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles:

An act to repeal in part an act therein named.

An act for the relief of Haley G. Jenkins and David Covington.

An act for the benefit of Sally Partain of Blount county.

An act to establish a board of physicians in the town of Jacksonville.

An act to amend an act entitled an act relating to absconding slaves, approved, January 28, 1839.

Joint resolutions to alter the 12th section of the 5th article of the constitution of the State of Alabama, making the judges of the county courts elective by the people; were severally read the first time, and ordered to a second reading.

Ordered, that the House concur in the resolution from the Senate, appointing a committee to whom may be referred the bill introduced into the Senate "to divide the State of Alabama into three chancery divisions, and for other purposes." Yeas 50. Nays 34.

The yeas and nays being demanded:

Those who voted in the affirmative are, messrs Speaker, Alexander of Low., Allen, Barron, Bradley, Chiles, Clemens, Covington, Cren-

shaw, Davenport, Davis of B., Erwin, Ford, Garder, Garland, Gresham, Griffin of S., Harris, Haughton, Hogan, Houston, Hunter, Hutchinson, James, Jones of Con., Kennedy, Kidd, B. McAlpin, McMillion of J., moore, Morgan, Norman, Norris, Perkins, Phillips, Reynolds, Rice, Rushing, Scott, Spruill, Steele, Storrs, Strode, Stinson, Walker of B., Wallace, Ware, Winston, Woodward and Yancey.

Those who voted in the negative are, messrs Alexander of Laud., Barker, Burleson, Can, Davis of L., Griffin of J., Griffin of M., Hammond, Henslee, Jones of Cov., Jones of m., Jefferson, Justice, King, Marchbanks, Mason, McAllister, S. mcAlpin, McMillion of B. Mitchell, Moors, Mundy, Musgrove, Norwood, Randolph, Rhodes, Rodgers, Smith of J., Smith of L., Taylor, Troup, Valliant, Walker of L., and Wynn.

Whereupon messrs Phillips, Taylor, Reynolds, Yancey, B. McAlpin and Houston, were appointed said committee.

Ordered, that the House concur in the amendments made by the Senate to the bill to incorporate the town of Dadeville in Tallapoosa county.

Ordered, that the clerk acquaint the Senate therewith.

Ordered, that the House concur in the amendments made by the Senate to the bill to appoint court house commissioners in the county of Tallapoosa and for other purposes therein specified.

Ordered that the House concur in the amendments made by the Senate to the bill to incorporate the medical society in the city of mobile, and for other purposes.

Ordered that the House concur in the amendments made by the Senate to the bill "to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved January 9th, 1841.

Ordered that the clerk acquaint the Senate therewith.

A bill from the Senate to incorporate the Magnolia male and female academy in the county of Marengo, was read the first and second times forthwith and referred to the delegation from Marengo county.

The bill from the Senate to amend an act passed the 7th day of January, 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city of a supply of wholesome water, to be used for domestic purposes and the extinguishment of fires, was read the first and second times forthwith and referred to the delegation of Mobile county.

Joint resolutions from the Senate, responsive to certain resolutions from the States of Massachusetts, Delaware and Pennsylvania, in relation to the distribution of the proceeds of the sales of the public lands, were referred to a select committee to consist of messrs. Hunter, Yancey, Houston, Clemens and Rice.

The engrossed bill to create a certain county therein named and for other purposes, was read the third time.

Mr. Justice moved to fill the blanks with the name of "Coffee," wherever they occur, which was carried.

Mr. Taylor moved to amend the bill, by way of the following engrossed ryder :

"Be it further enacted, That the county site of said county shall be called and known by the name of Wellborn,"—which was adopted. The bill passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

On motion of Mr. Walker of Lawrence, the House took into consideration the bill to compensate Robert Fenner and others.

It was read the second time and referred to the delegation from Lawrence county.

On motion of Mr. Storrs, the House took into consideration the bill from the Senate to appoint commissioners to build a jail in the county of Shelby and for other purposes.

It was read a second time.

Mr. Griffin of Shelby, moved to suspend the rule which requires bills to be read on three several days, which was lost. Yeas 60, nays 16.

The yeas and nays being demanded,

Those who voted in the affirmative were messrs. Speaker, Alexander of Low., Barker, Barron, Bradley, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Ford, Gardner, Gresham, Griffin of J., Griffin of M., Griffin of S., Hunter, Hutchinson, James, Jefferson, Justice, Kennedy, Kidd, King, Marchbanks, McAllister, S. McAlpin, McMillion of B., McMillion of J., Mitchell, Moors, Mundy, Musgrove, Norman, Norris, Perkins, Phillips, Reynolds, Rice, Rhodes, Rushing, Scott, Smith of T., Spruell, Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B. Walker of L., Wallace, Ware, Winston, Woodward and Yancey.

Those who voted in the negative are messrs. Alexander of Laud., Allen, Cain, Garland, Haughton, Henslee, Hogan, Houston, Jones of M., B. McAlpin, Moore, Morgan, Randolph, Rodgers, Smith of L.

The bill was then ordered to a third reading.

Mr. Kidd moved to adjourn until half-past 9 o'clock to-morrow morning, which was lost.

The engrossed bill to amend an act entitled an act to organize and establish separate courts of chancery, approved January 26, 1839.

Mr. Gresham moved to postpone it until Monday next, and make it the special order of the day for 11 o'clock, which was carried.

The engrossed bill to alter and amend the charter of the city of Mobile, was read the third time and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. Houston moved to adjourn until 10 o'clock to-morrow morning, which was lost.

Mr. Winston moved to adjourn until half-past 9 o'clock to-morrow morning, which was lost.

Mr. Reynolds moved to adjourn until 9 o'clock to-morrow morning, which was carried. Ayes 40, nays 38.

The yeas and nays being demanded.

Those who voted in the affirmative are, messrs Alexander of Laud. Allen, Barker, Cain, Covington, Crawford, Gardner, Griffin of J., Haughton, Henslee, Hogan, Hunter, Jones of M., Justice, Kidd, Marchbanks, McAllister, S. McAlpin, McMillion of J., Mitchell, Morgan, Norman, Norris, Perkins, Phillips, Randolph, Reynolds, Rice, Rodgers, Smith of J., Spruell, Storrs, Stinson, Taylor, Troup, Valliant, Walker of Lawrence, Wallace, Winston and Woodward.

Those who voted in the negative are, messrs. Alexander of Low., Barron,

Bradley, Burleson, Crenshaw, Davenport, Davis of B., Davis of L., Ford, Garland, Gresham, Griffin of M., Griffin of S., Hutchinson, James, Jefferson, McMillion of B., Moors, Mundy, Musgrove, Rhodes, Smith of L., Smith of T., Steele, Walker of B., Ware and Yancey.

And then the House adjourned.

THURSDAY, Dec. 16, 1841.

The House met pursuant to adjournment.

Mr. McLemore introduced a bill for the relief of the commissioners of section 16, township 22, range 25, in Chambers county, which was read the first time and ordered to a second reading.

Mr. McLemore presented the petition of citizens of Chambers county, which was read and referred to the committee on propositions and grievances.

Mr. James introduced a bill to regulate the compensation of witnesses and jurors in the county of Clarke, which was read the first and second times forthwith, (and the rule being suspended,) was read the third time, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Mr. Smith of Laud. presented the petition of the citizens of Lauderdale county, which was read and referred to the joint committee appointed on the chancery court bill.

Mr. Davenport introduced a bill imposing additional duties on the treasurer of Marengo county, which was read the first and second times forthwith, and the rule being suspended was read the third time, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Accounts were presented by messrs. Barleson, Mitchell, Smith of T. and S. McAlpin, which were severally read and referred to the committee on accounts.

Mr. Gresham, who voted in the majority to concur in the amendments made by the Senate to the bill to appoint courthouse commissioners for the county of Tallapoosa, and for other purposes therein specified, moved to reconsider the vote, which was carried.

Mr. Gresham then moved that the House disagree to the amendments made by the Senate to said bill, which was carried.

Ordered that the clerk acquaint the Senate therewith.

Mr. Cain presented the petition of citizens of Walker county, which was read and referred to the committee on propositions and grievances.

Mr. Houston introduced a bill to authorize James Bates to erect a toll bridge across Bates' creek, in the county of Washington, which was read the first and second times forthwith, and the rule being suspended, it was read the third time, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. Winston from the committee on county boundaries, to which was referred a petition from many citizens of Monroe county, praying to be attached to the county of Clarke, reported a bill to attach a part of the county of Monroe to the county of Clarke, which was read the first time.

Mr. Kidd moved that the bill be indefinitely postponed, which was carried—  
ayes 51, nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs. Alexander of Low., Barron, Bradley, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Haughton, Henry, Hutchinson, Jones of Con., Jones of Cov., Jefferson, Jemison, Kennedy, Kidd, King, Marchbanks, Mason, R. C. McAlpin, S. McAlpin, Mcmillion of B., Mitchell, Mundy, Norris, Norwood, Phillips, Rhodes, Rodgers, Rushing, Scott, Smith of T., Spruell, Stinson, Troup, Wallace, Ware, Wynn and Young.

Those who voted in the negative are, messrs Speaker, Alexander of Loud. Allen, Armbrister, Bishop, Burleson, Cain, Griffin of J. Heflin, Henslee, Hogan, Houston, James, Jones of M. B. McAlpin, Mcmillion of J. Moore, Morgan, Musgrove, Norman, Randolph, Reynolds, Smith of J. Smith of L. Taylor, Valliant, Walker of B. Walker of L. Winston, Woodward and Yancey.

Mr Hogan, from the committee on the State bank and branches, to which was referred the bill from the Senate authorizing the State bank and its several branches to appoint bank marshals, reported amendments thereto.

Mr Davis of Limestone, moved to amend the 1st section of the bill by striking out all after the word "received," in the latter clause of said section.

Mr Griffin of Shelby, moved to lay the bill on the table; which was carried. Yeas 43, nays 42.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Alexander of Loud. Alexander of Low. Armbrister, Barker, Bishop, Burleson, Covington, Davenport, Davis of B. Garland, Gresham, Griffin of S. Hammond, Harris, Heflin, Henry, Henslee, Houston, Jones of Con. Jefferson, Kennedy, King, Marchbanks, Mason, McLemore, Mcmillion of J. Moore, Moores, Musgrove, Phillips, Randolph, Rice, Rogers, Rushing, Scott, Steele, Stinson, Taylor, Walker of B. Walker of Law. Winston, Wynn and Yancey.

Those who voted in the negative are, messrs Speaker, Allen, Barron, Bradley, Cain, Chiles, Clemens, Crawford, Davis of L. Erwin, Ford, Gardner, Griffin of M. Haughton, Hogan, Hutchinson, James, Jones of Cov. Jones of M. Jemison, Kidd, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mcmillion of B. Mitchell, Mundy, Norris, Perkins, Reynolds, Rhodes, Smith of J. Smith of L. Smith of T. Spruell, Strode, Troup, Valliant, Wallace, Ware, Woodward, and Young.

A message from the Senate by Mr Clitherall:

*Mr Speaker*—The Senate has rejected the bill which originated in the House of Representatives to be entitled "an act to repeal an act therein named."

And has passed bills which originated in the Senate of the following titles:

An act in reference to the duties of clerks of the county courts in this State, and to dispense with deeds of conveyance at commissioners' sales.

An act more effectually to punish the owners or occupants of houses kept for gaming.

An act to compensate John M. Cooper, a contractor for work done on the Tombeckbee river, and for other purposes.

An act to extend the time of holding the spring terms of the circuit court for Macon county;



In all of which the concurrence of the House of Representatives is respectfully asked.

Upon a question of order, (mr Smith of Lauderdale in the chair,) and decided that it was in order to take up the message from the Senate.

From which decision, mr Reynolds appealed, and the decision of the chair was not sustained.

mr Taylor, from the committee on propositions and grievances, to which was referred the account of Genl. Garrard, reported—

“That inasmuch as General Garrard has not complied with the requisitions of law, and has manifested considerable negligence in making out his account, for these reasons, your committee do not feel themselves fully authorized to allow his account; and report it back to the House for their consideration; and ask to be discharged from the further consideration of the same.”

Which was granted.

mr Rushing from from the committee on divorce and alimony, to whom was referred the decree in chancery divorcing Ann C. Bell from her husband, John D. Bell, reported a bill to divorce Ann C. Bell from John D. Bell; which was read the first time, and ordered to a second reading.

mr Rushing, from the same committee, to whom had been referred the record in the case of Julian Simmons against Richard Simmons, reported a bill to divorce Julian Simmons from Richard Simmons; which was read the first time, and ordered to a second reading.

mr Erwin, from the committee on internal improvement, to whom was referred the bill to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved February 1st, 1839, reported the same without amendment.

The bill was referred to a select committee, to consist of the delegations from the counties of Blount, Jefferson, Tuscaloosa and Walker, on motion by mr Mitchell.

mr Crenshaw, from the committee on the judiciary, to which was referred the bill to provide that all suits by the banks of the State of Alabama and its several branches shall be instituted in the counties where the parties sued may reside, and for other purposes, reported a substitute in lieu thereof.

mr Moores moved to suspend the order of the day for the purposes of considering the resolution from the Senate to adjourn; which was lost. Yeas 44, nays 48.

The yeas and nays being demanded,

Those who voted in the affirmative were, messes Alexander of Low. Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Davenport, Davis of L. Erwin, Ford, Gardner, Gresham, Griffin of m. Heflin, Henslee, Hunter, Hutchinson, James, Jones of Con. Jemison, Kidd, mason, S. McAlpin, Mc-Lemore, Moore, Moores, Mundy, Musgrove, Norwood, Randolph, Rhodes, Rogers, Scott, Spruell, Storrs, Strode, Stinson, Wallace, Ware, Winston, Wynn, Yancey and Young.

Those who voted in the negative are, messrs Speaker, Alexander of Laud. Allen, Armbrister, Barker, Barron, Burleson, Clemens, Cochran, Crawford, Davis of B. Fletcher, Garland, Griffin of J. Griffin of S. Hammond, Harris, Haughton, Henry, Hogan, Hunter, Jones of Cov. Jones of m. Jefferson,

Kennedy, King, Marchbanks, B. McAlpin, R. McAlpin, Mcmillion of J. Mitchell, Morgan, Norman, Norris, Phillips, Reynolds, Rice, Rushing, Smith of J. Smith of L. Steele, Taylor, Troup, Valliant, Walker of B. Walker of L. and Woodward.

Mr Moors, who voted in the majority on the passage of the bill from the Senate to enable the joint examining committee more efficiently to investigate bank frauds," moved to reconsider that vote; which was lost. Yeas 35, nays 56.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Low. Alexander of L. Barker, Bishop, Burleson, Cain, Chiles, Crenshaw, Fletcher, Gresham, Griffin of M. Hammond, Heflin, Henslee, Houston, Hutchinson, Jones of Covington, Jefferson, Marchbanks, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Moors, Mundy, Musgrove, Norwood, Randolph, Reynolds, Rogers, Scott, Smith of J. Smith of T. Taylor, and Winston.

Those who voted in the negative are Messrs Speaker, Allen, Armbrister, Barron, Bradley, Clemens, Cochran, Covington, Crawford, Davenport, Davis of L. Erwin, Ford, Gardner, Garland, Griffin of J. Griffin of S. Harris, Haughton, Henry, Hogan, James, Jones of Con. Jones of M. Jemison, Kennedy, King, Kidd, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Musgrove, Norwood, Norris, Perkins, Phillips, Rhodes, Rushing, Smith of L. Spruell, Steele, Storrs, Strode, Stinson, Troup, Valliant, Walker of B. Wallace, Ware, Woodward, Wynn, Yancey and Young.

The House then resumed the consideration of the bill to raise a revenue for the support of Government.

Mr. Norris moved sundry amendments.

Mr. Rice moved to strike out the word "fifty" from the first amendment and strike out all the third amendment.

Mr. Winston moved to lay the bill on the table, which was carried, yeas 60, nays 33.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Alexander of Low. Armbrister, Barron, Bishop, Burleson, Cain. Cochran, Covington, Crenshaw, Crawford, Davis of B. Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J. Griffin of M. Griffin of S. Hammond, Harris, Heflin, Henry, Henslee, Hutchinson, Jones of Cov. Jones of M. Jefferson, Jemison, Kidd, King, Marchbanks, Mason, S. McAlpin, McLemore, Mcmillion of B. Mcmillion of J. Mitchell, Morgan, Mundy, Musgrove, Norris, Norwood, Phillips, Randolph, Rhodes, Rogers, Scott, Smith of J. Smith of T. Sprewill, Steele, Storrs, Stinson, Taylor, Wallace, Ware, Winston, Wynn and Young.

Those who voted in the negative are messrs Speaker, Alexander of Laud. Allen, Barker, Bradley, Chiles, Clemens, Davenport, Davis of L. Ford, Haughton, Hogan, Houston, Hunter, James, Jones of Con. Kennedy, B. McAlpin, R. C. McAlpin, Moore, Norman, Perkins, Reynolds, Rice, Rushing, Smith of L. Strode, Troup, Valliant, Walker of B. Walker of Law Woodward and Yancey.

Mr. B. McAlpin moved that the House adjourn until half past three, this afternoon, which was carried.

And then the House adjourned.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the record for divorce in the case of Jane S. Wheeler, vs. Charles J. Wheeler, which was read and referred to the committee on Divorce and Alimony.

Mr. S. McAlpin, from the Joint Committee to examine the Comptroller's and Treasurer's offices, made the following report :

"That they commenced the examination with the date of November 27, 1840, to which said offices had been examined, as will appear by reference to the report made by a committee appointed for that purpose, on the 30th November, 1840.

The committee having compared every voucher with the entries in the Books in the Comptroller's office, also the vouchers in the Treasurer's office, with the entries in his Books, together with the various acts of appropriation from the above date, to the close of the fiscal year, 1841, an examination running up to seven hundred and twenty-nine entries, in all of which not the smallest error or mistake appeared.

The committee also examined the addition and extensions of the different Books, and compared them with the reports made by the Comptroller and Treasurer, and find them all to correspond, and to these reports the committee respectfully refer, for the condition of the several funds, and the balance in the Treasury.

The committee will also respectfully report that the Books in both departments, are kept in a neat and clean manner, and in a plain and simple style, and all the papers and vouchers carefully and correctly filed.

In closing their report, the committee feel it due to the officers of the two departments to say that every facility was afforded the committee by them, to aid and assist in carrying on the examination, and that the officers have discharged their duties faithfully and correctly, according to law.

Signed,

SOLOMON McALPIN,

*Chairman on the part of the House.*

Mr. Crawford moved to suspend the orders of the day, in order to allow committees an opportunity of reporting, which was lost.

Leave was asked and granted for the Joint Committee, on the Chancery Bill, to set during the sessions of the House.

A bill to place in liquidation the Branch of the Bank of the State of Alabama, at Decatur, being under consideration,

Mr. Musgrove moved to amend by way of substitute.

Mr. Davis of L. moved to lay the bill and amendment on the table, which was lost, yeas 26, nays 62.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Alexander of L. Alexander of Low. Armbrister, Barker, Davis of B. Fletcher, Garland, Hogan, Houston, James, Jones of Con. Jones of Cov. Jefferson, Kidd, King. Mason, B. McAlpin, Norman, Perkins, Rushing, Smith of J. Valliant, Walker of Law. Woodward and Wynn.

Those who voted in the negative are messrs Speaker, Allen, Barron, Bishop, Bradley, Burleson, Cain, Clemens Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Ford, Gardner, Griffin of M.

Griffin of S. Hammond, Harris Haughton, Heflin, Henslee, Henry, ~~Hunter~~ Hutchinson, Jones of M. Jamison, Kennedy, Marchbanks, McAllister, R. C. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Moors, Morgan, Mundy, Musgrove, Norris, Phillips, Randolph, Rice, Rhodes, Rogers, Scott, Smith of L. Spruell, Steele, Storrs, Strode, Taylor, Troup, Walker of B. Wallace, Ware, Winston, Yancey and Young.

Mr Perkins moved the indefinite postponement of the bill and amendment.

Mr Griffin of S. moved to adjourn until half past 9 o'clock to-morrow morning; which was lost. Yeas 6, nays 74.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Griffin of J. R. C. McAlpin, Norman, Norwood, Reynolds and Woodward.

Those who voted in the negative are, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barron, Bishop, Bradley, Burleson, Cain, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B. Davis of L. Fletcher, Ford, Gardner, Garland, Griffin of M. Griffin of S. Hammond, Haughton, Heflin, Henry, Henslee, Hogan, Hunter, Hutchinson, James, Jones of M. Jefferson, Jamison Kennedy, King Marchbanks, Mason, B. McAlpin, S. McAlpin, McLemore Mcmillion of B. Mcmillion of J. Mitchell, Moore, Moores, Morgan, Musgrove, Norris, Perkins, Phillips, Randolph, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of J. Smith of L. Steele, Storrs, Strode, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Wynn and Yancey and Young.

On motion the House then adjourned until half past 6 o'clock this evening.

NIGHT SESSION, half past 6 o'clock.

The House met pursuant to adjournment.

The House resumed the consideration of Mr Perkins' motion to indefinitely postpone the bill to place in liquidation the branch of the bank of the State of Alabama at Decatur.

Mr Perkins asked leave to withdraw his motion; which was granted.

Mr Rice then moved to refer the bill and substitute offered by Mr Musgrove, with instructions to report the following substitute:

1st. The mother bank to be located in the city of Mobile, or at some commercial port on the Alabama river, and branches at such places as may be agreed on.

2d. The president and directors of the mother bank to be elected by the General Assembly. The president and directors of the branches to be elected by the president and directors of the mother bank.

3d. The present branches to deliver to the mother bank all their bank notes now on hand, and to render an account of all their specie and notes in circulation to the mother bank.

4th. The notes hereafter to be put in circulation by the branches (over the denomination of five dollar notes) to be furnished by the mother bank to those branches.

5th. The branches hereafter to issue no note (except those furnished them by the mother bank,) of a larger denomination than five dollars.

6th. All notes hereafter to be issued, to be redeemable in specie only at the mother bank, except notes of five dollars, and smaller ones, which may be issued by the branches, which are to be redeemable by such branches as may

issue them; the amount of such five dollar notes and smaller ones to be limited by law, beyond which amount the branches shall not go.

Mr Rice then asked leave to withdraw the reference and his motion to the committee on the State Bank and branches; which was granted.

Mr B. McAlpin offered a substitute.

Mr Clemens then moved the reference to a select committee; which was lost. Yeas 35, nays 39.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud. Allen, Armbrister, Barker, Burleson, Clemens, Davis of Lime stone, Erwin, Fletcher, Garland, Gresham, Haughton, Hunter, Jones of m. Jefferson, King, B. Mcalpin, Mcmillion of J. Morgan, Norman, Perkins, Phillips, Randolph, Rice, Rushing, Smith of J. Smith of L. Steele, Strode, Troup, Valliant, Walker of B. Walker of Law. Woodward and Yancey.

Those who voted in the negative are, messrs Alexander of Low. Barron, Bishop, Brandley, Chiles, Cochran, Covington, Crenshaw, Crawford, Davenport, Davis of B. Ford, Griffin of S. Griffin of m. Griffin of J. Henry, Hutchinson, Jamison, Marchbanks, Mason, S. Mcalpin, Mitchell, Mundy, Musgrove, Norris, Norwood, Rhodes, Rogers, Scott, Smith of T. Spruell, Storrs, Stinson, Wallace, Ware, Winston and Young.

Mr B. McAlpin withdrew the substitute which he offered.

Mr B. McAlpin moved that the bill and amendments be indefinitely postponed.

At 10 o'clock, P. M.—Mr Yancey then moved to adjourn until half past 9 o'clock to-morrow morning; which was carried. Yeas 41, nays 25.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Bradley, Burleson, Clemens, Cochran, Covington, Crawford, Davis of L. Fletcher, Garland, Griffin of J. Hunter, Jones of m. King, Marchbanks, Mcmillion of J. Mundy, Morgan, Norman, Norris, Perkins, Phillips, Randolph, Rice, Rodgers, Smith of J. Smith of T. Steele, Strode, Troup, Valliant, Walker of B. Walker of Law. Winston, Woodward and Yancey.

Those who voted in the negative are, messrs Speaker, Barron, Bishop, Crenshaw, Davenport, Davis of B. Erwin, Ford, Gresham, Griffin of m. Griffin of S. Heflin, Henry, Hutchinson, Jamison, S. McAlpin, Mitchell, Moores, Scott, Smith of T. Spruell, Storrs, Stinson, Wallace, Ware and Young.

And then the House adjourned.

FRIDAY, December 17, 1841—half past 9 o'clock, A. M.

The House met pursuant to adjournment.

Mr Moore introduced a bill for the relief of William Sizemore; which was read the first time, and ordered to a second reading.

Mr Yancey introduced the memorial of citizens of Dallas county in relation to the distribution bill.

Mr Yancey moved to refer the memorial to a select committee.

Whereupon, messrs Yancey, Mitchell, Reynolds, Rice and Winston were appointed said committee.

Mr Norwood introduced a bill to incorporate the Lafayette artillery; which was read the first and second times forthwith, and referred to the delegations from Perry and Dallas counties.

Mr Barker introduced the petition of citizens of Walker county; which was read, and referred to the committee on propositions and grievances.

Mr Clemens introduced a bill for the relief of John Biddle; which was read the first and second times forthwith.

The question then was, Shall the bill be engrossed for a third reading to-morrow? and lost. Yeas 38, nays 42.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Low, Armbrister, Barker, Bishop, Bradley, Broughton, Clemens, Fletcher, Gardner, Garland, Griffin of J. Griffin of m. Hendricks, Henslee, Hogan, James, Jones of Con. Kennedy, Kidd, B. McAlpin, R. McAlpin, McLemore, mcMillion of B. Moore, Morgan, Mundy, Norman, Norris, Reynolds, Rice, Rushing, Smith of H. Smith of J. Strode, Walker of L. Wallace and Yancey.

Those who voted in the negative are, messrs Alexander of Laud. Allen, Barron, Burleson, Cain, Cochran, Covington, Davenport, Davis of B. Davis of L. Erwin, Ford, Griffin of S. Hammond Heslin, Haughton, Henry, Jones of Cov. Jones of m. Jefferson, Marchbanks, S. McAlpin, mcMillion of J. Mitchell, moores, musgrove, Phillips, Randolph, Rhodes, Rogers, Scott, Smith of L. Smith of T. Spruell, Steele, Troup, Valliant, Ware, Winston, Woodward, Wynn and Young.

Mr Davenport introduced the record for divorce in the case of Malvina Henly, against John Henly; which was read, and referred to the committee on divorce and alimony.

Mr Hutchinson presented the petition of sundry citizens of Montgomery county; which was read, and referred to the committee on privileges and elections.

Mr Spruell introduced a bill to authorize the trustees of Talemach society; which was read the first and second times forthwith, and referred to the judiciary committee.

Mr Hammond presented the letter of Joel Cross and others; which was read, and referred to the delegations of St. Clair, Autauga, Coosa, Shelby and Talladega.

Mr Rogers, who voted in the majority on Mr Clemens' motion to refer the bill to place in liquidation the branch of the bank of the State of Alabama at Decatur to a select committee, moved to re-consider that vote.

Mr Covington introduced a bill to authorize the school commissioners therein named to build a school house; which was read, and ordered to a second reading.

Mr Gresham introduced a bill to prevent frauds in suing out writs of error from courts of record in civil cases; which was read, and ordered to a second reading.

Mr Cain presented the petition of citizens of Jasper, Walker county; which was read, and referred to the committee on propositions and grievances.

Mr McLemore presented an account; which was read, and referred to the committee on accounts.

Mr Clemens introduced a bill for the relief of John Biddle; which was read.

The question was to read the bill a second time, and determined in the negative. Yeas 9, nays 71.



The yeas and nays being demanded,

Those who voted in the affirmative are, *messrs* Alexander of Low, Clemens, Fletcher, Jones of m. R. Mcalpin, S. Mcalpin, Smith of L. Steele, and Stinson.

Those who voted in the negative are, *messrs* Speaker, Alexander of Laud, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Cochran, Covington, Davenport, Davis of L. Erwin, Ford, Gardner, Garland, Griffin of J. Griffin of m. Griffin of S. Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, James, Jones of Con. Jones of Cov, Jefferson, Jemison, Kidd, Marchbanks, Mason, McAlister, B. McAlpin, McLemore, Mcmillion of B. Mcmillion of J. Mitchell, Moore, moores, Morgan, mundy, Musgrove, Norris, Perkins, Phillips, Randolph, Reynolds, Rice, Rhodes, Rogers, Rushing, Smith of H. Smith of J. Smith of T. Spruell, Storrs, Strode, Taylor, Troup, Valliant, Walker of L. Wallace, Ware, Winston, Yancey and Young.

Mr Young, from the select committee to which was referred the bill to incorporate the female academy in Greensborough, reported favorably.

The bill was ordered to be engrossed for a third reading.

A message from the Governor by Mr Harrison:

*Mr Speaker*—His excellency the Governor did on this day approve and sign a bill of the following title, to wit:

An act to repeal the general ticket law.

Which bill originated in the House of Representatives.

A message from the Senate by Mr Clitherall:

*Mr Speaker*—The Senate has passed the following bills from the House of Representatives:

An act for the relief of Thomas B. Royston;

An act to incorporate the town of Clayton, Barbour county, Alabama;

An act to compel the judges of the county courts of the counties of Franklin and Wilcox to reside at or within three miles of the courthouse;

An act to amend an act therein named, and for other purposes;

An act to establish an additional board of physicians in the town of Florence;

An act to incorporate Midway academy in the county of Macon;

An act to regulate the duties of county treasurer and tax collector for the county of Russell;

An act to designate the line between the 15th and 86th regiments of Alabama militia in the county of Jefferson;

An act to levy a special tax for Autauga county, and for other purposes, and have amended the same as therein shown.

The Senate adheres to its amendment to the bill to be entitled an act to appoint courthouse commissioners of the county of Tallapoosa, and for other purposes therein specified.

The Senate has originated and passed bills of the following titles:

An act for the relief of Francis G. Myers, William Pasly, Abraham Rheinhart, and for other purposes.

An act making an appropriation for a State arsenal.

An act the better to enable the collection of debts due the bank of Mobile.

An act for the relief of William R. H. Howard and Edmund Gaillard of the county of Monroe, and others.

An act to regulate the weighing of cotton in the city of mobile and for other purposes.

An act to authorize proceedings at the instance of the State of Alabama against the owners of Turnpike roads in certain cases.

An act the better to secure the right of suffrage to naturalized citizens of the city and county of mobile.

An act concerning trustees.

And, an act the better to secure the unknown, bad and doubtful debts, owing to the bank of the State of Alabama.

The Senate has also adopted the following resolutions :

*Resolved*, That with the concurrence of the House, the two houses will assemble in the hall of the House of Representatives, on Saturday the 18th instant, at the hour of 7 o'clock, p. m., to elect a president and six directors for the branch of the bank of the State of Alabama at Huntsville.

*Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House, on Saturday at the hour of 12, m., for the purpose of going into the election of a comptroller of public accounts and a State treasurer, and a quartermaster general of the State.

In all of which the concurrence of your honorable body is respectfully asked.

The House then took up for consideration the bill to provide that all suits of the bank of the State of Alabama and its several branches, shall be instituted in the counties where the parties sued may reside, and for other purposes.

Mr. Jemison moved to amend the bill as follows :

"In the 5th line of the 2d section, after the word 'attorney,' strike out the word 'in' and insert the word 'for.'

Mr. Rice moved to suspend the orders of the day, which was carried.

Mr. Wallace moved to postpone the bill indefinitely, which was carried—yeas 54, nays 44.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Loud., Alexander of Low., Barron, Bradley, Broughton, Chiles, Clemens, Cochran, Covington, Davis of L., Erwin, Fletcher, Ford, Gardner, Griffin of J., Haughton, Hogan, Houston, Hutchinson, James, Jones of Con., Jones of M., Jemison, Justice, Kennedy, Kidd, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Moors, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Rhodes, Rodgers, Smith of L., Smith of T., Spruell, Strode, Stinson, Troup, Wallace, Ware, Woodward, Wynn and Young.

Those who voted in the negative are messrs. Allen, Armbrister, Barker, Bishop, Burleson, Cain, Crenshaw, Crawford, Davenport, Davis of B., Garland, Gresham, Griffin of S., Hammond, Harris, Heflin, Hendricks, Henry, Henslee, Hunter, Jones of Con., Jefferson, King, Marchbanks, McAllister, McMillion of B., McMillion of J., Morgan, Musgrove, Randolph, Reynolds, Rice, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Taylor, Valliant, Walker of B., Walker of Law., Winston and Yancey.

Mr. Kennedy gave notice that before the hour of 11 a. m., on to-morrow, he would move to reconsider the vote just taken upon Mr. Wallace's motion to indefinitely postpone the bill to provide that all suits by the bank of the State of Alabama and its several branches, shall be instituted in the counties where the parties sued may reside, and for other purposes.

Mr. Norris, who voted in the majority to indefinitely postpone the bill to provide that all suits by the bank of the State of Alabama and its several branches, shall be instituted in the counties where the parties sued may reside, and for other purposes—moved to reconsider that vote.

Mr. Rice moved to postpone Mr. Norris' motion, until to-morrow morning.

At 40 minutes past 1 p. m., Mr. Hogan moved that this House do now adjourn until half-past 9 o'clock to-morrow morning, which was lost—yeas 11, nays 80.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Chiles, Griffin of J., Hogan, Houston, Kennedy, R. C. McAlpin, Perkins, Reynolds, Smith of T., Strode and Troup.

Those who voted in the negative are, messrs. Speaker, Alexander of Land., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Clemens, Covington, Crenshaw, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Hammond, Heflin, Hendricks, Henry, Henslee, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, McAllister, B. McAlpin, S. McAlpin, McLemore, McMillion of B., Mitchell, Moore, Moores, Mundy, Musgrove, Norman, Norris, Norwood, Phillips, Randolph, Rice, Rodgers, Scott, Smith of H., Smith of J., Smith of L., Spruell, Steele, Storrs, Stinson, Taylor, Valliant, Walker of B., Walker of Law., Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.

Mr. Mitchell made the following report:

The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to-wit:

An act to incorporate the medical Society, of the city of Mobile, and for other purposes.

An act for the relief of tales jurors in the county of St. Clair and other counties.

The orders of the day were then suspended.

Mr. Hogan offered the following resolution, which was adopted:

Resolved, that the committee on State printing be instructed to have printed for the use of this House, 200 copies of the accounts of the expenses of the State bank and branches, including the actual salaries and contingencies of each bank, setting forth distinctly each item of expense; also, the actual sum paid by each bank on account of the valueless 16th sections.

Mr. Smith of J. moved the following amendment, which was adopted:

"Also, the amounts due the banks by the late and present Governor, the Secretary of State, the Comptroller of Public Accounts and the State Treasurer.

The order of the day being further suspended,

Mr. Moore of Madison offered the following resolution, which was adopted

*Resolved*, That the committee on the State Bank and Branches, be instructed to inquire and report to this House, a correct account of the sale of the five millions of short bonds, by whom sold, when sold, and at what prices, whether at par or above par value, the dates of the payments of said bonds, whether the same was sold for gold and silver, or bank notes, and whether the State has lost any money, and how much by said sales, also what charges have been made, the agent or agents entrusted with the sale of any of

the State bonds, also whether the accounts of said agents for sales made, have been settled with the respected Banks, and whether all the money has been paid over in good faith for which bonds have been sold, also the account of State bonds sold and by whom owned, the account of State bonds redeemed within the last two years by the State Bank and Branches, setting forth a full and fair statement of the liabilities of the State for Bonds sold and unredeemed.

Mr. Norris then moved that the House adjourn until half past 3 o'clock this afternoon which was carried, and then the House adjourned.

AFTERNOON SESSION, half past 3 o'clock.

The House met pursuant to adjournment.

Mr. Davis of Bibb, made the following report :

The committee on Accounts to whom was referred the accounts of Hugh P. Caffey, James C. Lock, Richard Taylor, James M. Astin, Asa Wallis and Hogan and Lyon, have had the same under consideration, and have instructed me to report a bill.

Mr. Davis of Bibb, introduced a bill for the payment of the claim of Hugh P. Caffey and others, which was read the first time and ordered to a second reading.

Mr. Winston from the select committee to which was referred the Joint resolutions for the survey of the County of Cherokee and for other purposes, reported the same back to the House, with amendments, which was concurred in, and the rule being suspended, they were read a third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate, for their concurrence.

Mr. Jefferson from the select committee to which was referred the bill in relation to the 16th section of township 10, range 5, in the County of Wilcox, reported amendments, which were concurred in, and the rule being suspended, the bill was read the third time and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. Norris moved to take up the resolution from the Senate, to adjourn.

Mr. Norris moved to fill the blank with the words "24th."

Mr. Rice moved to lay the resolution on the table, which was lost, yeas 19, nays 41.

The yeas and nays being demanded, those who voted in the affirmative are,

Messrs. Alexander of Low, Armbruster, Clemens, Crawford, Davis of B. Garland, Gresham, Griffin of J., Griffin of S., Hendricks, Kennedy, King, R. C. McAlpin, Mcmillion of J. Morgan, Norman, Rice, Smith of J. Walker of Law.

Those who voted in the negative are messrs Speaker, Alexander of Land. Allen, Barker, Barron, Bishop, Bradley, Burleson, Covington, Crenshaw, Davenport, Davis of L. Erwin, Fletcher, Ford, Gardner, Griffin of M. Hammond, Heflin, Henslee, Houston, Hutchinson, James, Jones of M. Jefferson, Jennison, Justice, Kidd, Marchbanks, Mason, McAllister, B. McAlpin, McLe-more, Mcmillion of B. Mitchell, Moore, Moors, mundy, musgrove, Norris, Norwood, Phillips, Randolph, Reynolds, Rhodes, Rogers, Rushing, Smith of H. Smith of L. Spruell, Steele, Stinson, Taylor, Troup, Valliant, Walker of B. Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.

Mr. Clemens moved to fill the blank with the words "31st of July."

Upon a question of order :

Mr. Speaker decided that it was in order to fill the blank with the words, "31st of July."

From which decision Mr. Davenport appealed, and the chair was sustained.

The question was, shall the decision of the chair stand as the judgment of the House

Yeas 72, nays 8.

The yeas and nays being demanded,

Those who voted to sustain the chair, are Messrs. Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Bradley, Broughton (Burleson, Clemens, Covington, Crenshaw, Crawford, Davis of B., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Houston, James, Jones of Cov., Jones of M., Jefferson, Justice, Kennedy, King, Kidd, Marchbanks, Mason, McAllister, B. McAlpin, R. C. McAlpin, S. McAlpin, McLeMore, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Norris, Phillips, Randolph, Reynolds, Rice, Rhodes, Rogers, Rushing, Smith of H. Smith of J. Smith of L. Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Winston, Woodward, and Yancey

Those who voted against sustaining the chair are Messrs. Barron, Bishop, Davenport, Moors, Norwood, Spruell, Ware, and Wynn.

Mr. Rice moved to postpone the further consideration of the resolution until Wednesday next.

Mr. Jemison moved to adjourn until half past 9 o'clock to morrow morning, which was lost, yeas 23, nays 52.

The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs. Clemens, Covington, Griffin of J. Griffin of S. Haughton, Hendricks, Houston, Hutchinson, Jones of Cov. Jemison, Kidd, McAllister, R. C. McAlpin, Mitchell, Morgan, Norman, Norris, Phillips, Reynolds, Rushing, Smith of T. Troup, and Woodward.

Those who voted in the negative, are Messrs. Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Crenshaw, Crawford, Davis of B. Davis of L., Erwin, Fletcher, Ford, Gardner, Gresham, Griffin of M. Hammond, Heflin, Henslee, Henry, James, Jones of Cov. Jones of M. Jefferson, Justice, King, Mason, B. McAlpin, McLeMore, McMillion of B. McMillion of J. Moors, Moore, Mundy, Musgrove, Norwood, Randolph, Rice, Rhodes, Rogers, Scott, Smith of H. Smith of J. Smith of L. Spruell, Stinson, Taylor, Valliant, Walker of B. Walker of Law. Wallace, Ware, Winston, and Yancey.

Mr. Norman moved to adjourn until half past nine o'clock, to morrow morning, which was lost. yeas 34, nays 50.

The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs. Alexander of Laud. Armbrister, Barker, Clemens, Covington, Crenshaw, Crawford, Davis of B. Fletcher, Griffin of S. Haughton, Hendricks, Henslee, Houston, Hunter, Jones of M. Jemison, Mason, McAllister, B. McAlpin, R. McAlpin, McMillion of J.

Mitchell, Morgan, Mundy, Norman, Reynolds, Rice, Rushing, Smith of H., Smith of J., Troup, Walker of B. and Woodward.

Those who voted in the negative are, messrs. Speaker, Alexander of Low., Allen, Bishop, Bradley, Broughton, Burleson, Davenport, Davis of L., Erwin, Gardner, Garland, Gresham, Griffin of M., Hammond, Heflin, Henry, Hutchinson, James, Jones of Con., Jones of Cov., Jefferson, Justice, King, Marchbanks, McLemore, Moore, Moores, Musgrove, Norris, Perkins, Phillips, Randolph, Rhodes, Rodgers, Scott, Smith of L., Smith of T., Spruell, Steele, Storrs, Stinson, Taylor, Valliant, Walker of Law., Wallace, Ware, Winston, Wynn and Yancey.

The question was then taken upon Mr. Rice's motion to postpone the resolution under consideration until Wednesday next and lost—yeas 40, nays 41.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Land., Alexander of Low., Allen, Armbrister, Barker, Chiles, Clemens, Crenshaw, Crawford, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of S., Hammond, Haughton, Hendricks, Henslee, Hunter, Jefferson, King, McAllister, B. McAlpin, McMillion of J., Morgan, Norman, Phillips, Reynolds, Rice, Smith of J., Smith of T., Storrs, Troup, Valliant, Walker of B., Walker of Law. and Woodward.

Those who voted in the negative are, messrs. Bishop, Bradley, Broughton, Burleson, Covington, Davenport, Davis of L., Fletcher, Griffin of M., Heflin, Henry, Houston, Hutchinson, James, Jones of Con., Jones of M., Jemison, Justice, Marchbanks, McLemore, McMillion of B., Mitchell, Moore, Moores, Musgrove, Norris, Perkins, Randolph, Rogers, Rhodes, Scott, Smith of L., Spruell, Steele, Stinson, Taylor, Wallace, Ware, Winston, Wynn and Yancey.

Mr. Reynolds then moved to adjourn until half-past 9 o'clock to-morrow morning, which was lost—yeas 39, nays 39.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Land., Alexander of Low., Allen, Armbrister, Chiles, Clemens, Covington, Crenshaw, Crawford, Davis of B., Erwin, Fletcher, Garland, Gresham, Griffin of J., Griffin of S., Hendricks, Henry, Henslee, Houston, Hunter, Jemison, Justice, B. McAlpin, McMillion of J., Mitchell, Morgan, Mundy, Norman, Reynolds, Rice, Smith of H., Smith of J., Smith of T., Troup, Walker of B., Woodward and Wynn.

Those who voted in the negative are, messrs. Speaker, Bishop, Bradley, Broughton, Barker, Davenport, Davis of L., Gardner, Griffin of M., Heflin, Hutchinson, James, Jones of Con., Jefferson, Marchbanks, McLemore, McMillion of B., Moore, Moores, Musgrove, Norris, Perkins, Phillips, Randolph, Rhodes, Rodgers, Scott, Smith of L., Spruell, Steele, Storrs, Stinson, Taylor, Valliant, Walker of Law., Wallace, Ware, Winston and Yancey.

Mr. Rice then moved to adjourn until half-past 9 o'clock to-morrow morning, which was lost—yeas 39, nays 41.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Land., Allen, Armbrister, Barker, Bishop, Clemens, Covington, Crenshaw, Crawford, Davis of B., Fletcher, Gresham, Griffin of J., Griffin of S., Hendricks, Henry, Henslee, Houston, Hunter, King, B. McAlpin, McMillion of J., Morgan, Norman, Rice, Smith of H., Smith of J., Troup, Walker of B. and Woodward.

Those who voted in the negative are, messrs. Alexander of Low., Bradley,



Broughton, Burleson, Chiles, Davenport, Davis of L., Erwin, Gardner, Griffin of m., Hammond, Heflin, Hutchinson, James, Jones of Con., Jefferson, Justice, Marchbanks, McLemore, Mitchell, Moore, Moores, Musgrove, Norris, Perkins, Phillips, Randolph, Rodgers, Scott, Smith of L., Spruell, Steele, Storrs, Stinson, Taylor, Valliant, Walker of Law., Wallace, Ware, Winston and Yancey.

Mr. B. McAlpin moved to postpone the resolution under consideration until Monday next, which was lost—yeas 30, nays 40.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud., Alexander of Low., Allen, Chiles, Clemens, Crenshaw, Crawford, Davis of B., Fletcher, Gardner, Garland, Gresham, Griffin of J., Griffin of S., Hammond, Haughton, Hendricks, Henslee, B. McAlpin, McMillion of J., Perkins, Phillips, Rice, Smith of L., Troup, Valliant, Walker of B., Walker of L. and Woodward.

Those who voted in the negative are, messrs Barker, Barron, Bradley, Bishop, Burleson, Broughton, Covington, Davenport, Davis of L. Erwin, Ford, Griffin of m. Heflin, Henry, Hutchinson, James, Jones of m. Justice, Marchbanks, McLemore, McMillion of B. Mitchell, Moore, Moores, Mundy, Musgrove, Norris, Randolph, Rogers, Scott, Smith of H. Spruell, Steele, Storrs, Stinson, Wallace, Ware, Winston, Wynn and Yancey.

Mr Perkins moved to adjourn until half past 9 o'clock to-morrow morning; which was lost. Yeas 34, nays 34.

The yeas and nays being demanded,

Those who voted the affirmative are, messrs Alexander of Laud. Alexander of Low. Allen, Barker, Bishop, Burleson, Clemens, Covington, Crawford, Davis of B. Fletcher, Gardner, Garland, Gresham, Griffin of S. Hammond, Haughton, Hendricks, Henslee, Jones of m. King, B. McAlpin, McMillion of J. Perkins, Phillips, Rice, Rogers, Storrs, Taylor, Troup, Valliant, Walker of L. and Woodward.

Those who voted in the negative are, messrs Barron, Bradley, Broughton, Chiles, Crenshaw, Davis of L. Erwin, Ford, Griffin of m. Harris, Heflin, Henry, Hutchinson, James, Justice, McLemore, McMillion of B. Mitchell, Moore, Moores, Mundy, Musgrove, Norris, Randolph, Scott. Smith of H. Spauell, Steele, Stinson, Wallace, Ware, Winston, Wynn and Yancey.

Mr Rice moved to adjourn until a quarter past 9 o'clock to-morrow morning, which was lost. Yeas 32, nays 35.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Barker, Burleson, Clemens, Crawford, Davis of B. Fletcher, Garland, Gresham, Griffin of S. Haughton, Hendricks, Henslee, Kennedy, King, B. McAlpin, McMillion of J. Perkins, Phillips, Randolph, Rice, Rhodes, Smith of H. Storrs, Taylor, Troup, Valliant, Walker of Law. and Woodward.

Those who voted in the negative are, messrs Barron, Bradley, Broughton, Chiles, Covington, Crenshaw, Davis of L. Erwin, Ford, Gardner, Griffin of m. Harris, Heflin, Henry, Hutchinson, James, Jones of m. Justice, Mason, McLemore, Mitchell, Moores, Moore, Musgrove, Norris, Norwood, Scott, Spruell, Steele, Stinson, Wallace, Ware, Winston, Wynn and Yancey.

Mr Rogers moved to adjourn until half past 9 o'clock to-morrow morning; which was lost. Yeas 31, nays 33.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud, Alexander of Low, Allen, Barker, Clemens, Davis of B. Fletcher, Garland, Gresham, Griffin of S. Haughton, Hendricks, Henslee, Jones of m. Kennedy, King, B. McAlpin, Mcmillion of J. Perkins, Phillips, Randolph, Rice, Rogers, Smith of H. Storrs, Taylor, Troup, Valliant, Walker of Law. and Woodward.

Those who voted in the negative are, messrs Barron, Bradley, Broughton, Burleson; Chiles, Covington, Crenshaw, Davis of L. Ford, Gardner, Griffin of m. Harris, Heflin, Henry, Hutchinson, James, Justice, Mason, Mitchell, Moore, Moores, Musgrove, Norris, Norwood, Scott, Spruell, Steele, Stinson, Wallace, Ware, Winston, Wynn and Yancey.

mr B. McAlpin then moved that the House do now adjourn until to-morrow morning at 10 o'clock; which was carried. Yeas 37, nays 26.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud, Alexander of Low, Allen, Barker, Burleson, Chiles, Clemens, Davis of B. Fletcher, Garland, Griffin of S. Harris, Haughton, Hendricks, Henslee, James, Jones of m. Kennedy, King, Mason, B. McAlpin, Mcmillion of J. Perkins, Randolph, Rice, Rogers, Smith of H. Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Woodward and Yancey.

Those who voted in the negative are, messrs Barron, Bradley, Broughton, Covington, Crenshaw, Davis of L. Ford, Gardner, Griffin of m. Heflin, Henry, Hutchinson, Justice, Mcmillion of B. Mitchell, Moores, Musgrove, Norris, Norwood, Scott, Spruell, Steele, Stinson, Wallace, Ware and Winston.

And at 8 o'clock, p. m. the House adjourned.

SATURDAY, December 18, 1841.

The House met pursuant to adjournment.

mr Morgan presented the petition of citizens of Autauga county; which was read, and referred to the committee on education.

mr Jones presented an account; which was read, and referred to the committee on accounts.

mr Kennedy introduced joint resolutions proposing a change in the constitution of Alabama, so as to legalize biennial sessions of the Legislature, and to reduce the number in each House; which was read, and ordered to a second reading.

mr Kennedy moved to re-consider the vote on ordering the joint resolutions just read to a second reading, so as to have them read a second time forthwith; which was lost.

It was ordered to a second reading.

mr Davis of Limestone, introduced a bill to appropriate three thousand dollars to cut a canal in the county of Limestone; which was read a first time.

The question was, Shall the bill be ordered to a second reading? and determined in the affirmative. Yeas 44, nays 39.

The yeas and nays being demanded,

Those who voted in the affirmative were, messes Speaker, Alexander of Laud, Armbrister, Barker, Barron, Broughton, Burleson, Chiles, Crawford, Davis of B. Davis of L. Erwin, Fletcher, Ford, Gresham, Griffin of m. Griffin of S. Hammond, Hendricks, Henry, Jones of m. Jenison, Kennedy, McAlister, B. McAlpin, S. McAlpin, McLemore, Mcmillion of B. Mcmillion

of J. Mitchell, Musgrove, Norman, Reynolds, Scott, Smith of H. Smith of T. Strode, Troup, Ware, Woodward, Wynn, Yancey and Young.

Those who voted in the negative are, messrs Alexander of Low, Allen, Bishop, Bradley, Cain, Clemens, Cochran, Davenport, Gardner, Griffin of J. Harris, Heflin, Henslee, Houston, Hutchinson, Jones of Con. Jones of Gov. Jefferson, Justice, Kidd, Marchbanks, Mason, Moore, Norris, Phillips, Randolph, Rice, Rogers, RushingSmith of J. Smith of L. Spruell, Steele, Stinson, Taylor, Valliant, Walker of L. Wallace and Winston.

Mr B. McAlpin introduced a bill to provide for the summoning grand jurors to serve at the special criminal terms of the circuit courts of Mobile; which was read the first and second times forthwith, and the rule being suspended, was read the third time, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr Hutchinson introduced a memorial from C. M. Jackson, of Coosawda; which was read, and referred to the committee on the military.

Mr Smith of Tuscaloosa, presented an account; which was read, and referred to the committee on accounts.

Mr Mason introduced a bill to fix permanently the time for the trial of all offences against the State in the county of Wilcox; which was read the first and second times forthwith, and the rule being suspended, was read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr Taylor, from the committee on propositions and grievances, to whom was referred the petition of Maxamillian Collin and others, reported a bill to confirm the emancipation of certain persons therein named; which was read the first and second times forthwith, and ordered to be engrossed for a third reading on tomorrow.

A message from the Senate by Mr Clitherall:

*Mr Speaker*—The Senate has passed a bill to be entitled an act for the relief of Major Weatherford.

In which the concurrence of your honorable body is respectfully asked.

The Senate also concur in the amendments made by the House to the bill to enable the joint examining committee more efficiently to investigate bank frauds.

Mr Taylor, from the committee on propositions and grievances, to which was referred the petition of James R. Hapter and others, reported a bill to compensate certain persons therein named; which was read the first time, and ordered to a second reading.

Mr Taylor, from the same committee, to which was referred the petition of James G. Blount, reported the same back to the House.

The report was laid on the table.

Mr Taylor, from the same committee, to which was referred the petition of R. H. Cox and others in relation to the retailing of ardent spirits, reported the same back to the House, there being a bill now in progress on the same subject.

The report was laid on the table.

Mr Taylor, from the same committee, to whom was referred the petition of sundry citizens of the town of Tuskegee, reported the same back to the House, there being a bill now in progress on the same subject.

The report was laid on the table.

Mr Taylor, from the same committee, to whom was referred the petition of sundry merchants of Tusculumbia, reported the same back to the House.

The report was laid on the table.

Mr McAlister, from the committee on the military, to whom was referred the petition of sundry citizens of Barbour county, reported unfavorably; and asked to be discharged from the further consideration of the same; which was granted.

Mr Erwin, from the committee on internal improvements, to whom was referred the report of the commissioners for the improvement of the navigation of the Choctawhatchie, Tombeckbee and other rivers, reported unfavorably; and also reported joint resolutions in relation to appropriations heretofore made by the General Assembly for the purposes of internal improvement within the State; which was read the first time, and ordered to a second reading.

Mr Ware, from the committee to whom was referred the bill to establish a bank at Mobile, reported amendments by way of two additional sections.

Mr Armbrister moved to lay the report on the table, which was carried.— Yeas 52, nays 39.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Loud. Allen, Armbrister, Barker, Bishop, Burleson, Clemens, Davis of L. Fletcher, Gardner, Garland, Griffin of M. Hammond, Haughton, Heflin, Henry, Henslee, Houston, James, Jones of Cov. Jones of M. Kennedy, Marchbanks, McAlister, B. McAlpin, Mcmillion of B. Mcmillion of J. Morgan, Norman, Phillips, Randolph, Reynolds Rice, Rodgers, Rushing, Smith of H. Smith of J. Smith of T. Steele, Strode, Taylor, Troup, Valliant, Walker of B. Winston, Woodward, Wynn and Yuncey.

Those who voted in the negative are, messrs Alexander of Low. Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Ford, Gresham, Griffin of S. Harris, Hogan, Hutchinson, Jones of Con. Jefferson, Jemison Kidd, Mason, R. C. McAlpin, S. McAlpin, Mitchell, Moores, Norris, Norwood, Perkins, Scott, Spruell, Storrs, Stinson, Wallace, Warz and Young.

Mr Crenshaw made the following report:

The committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit:

An act to repeal in part an act regulating punishments under the penitentiary system, approved January 9th, 1841; and

An act to incorporate the town of Dadeville, in Tallapoosa county.

Mr Hogan, from the committee on the State bank and branches, to whom was referred the petition of sundry citizens of Greene, Sumter and Pickens, reported unfavorably; and asked to be discharged from the further consideration of the same; which was granted.

The question then arose on Mr Rogers' motion to re-consider the vote refusing to refer the bill to place in a state of liquidation the branch of the bank of the State of Alabama at Decatur, together with the amendments, to a select committee.

Mr Norris moved to postpone Mr Rogers' motion until the 25th of December, instant.

Upon a question of order, Mr Speaker decided that Mr Norris' motion was in order.

From which decision mr Hutchinson appealed.

The question then was, Shall the decision of the chair stand as the judgment of the House? and the chair was not sustained. Yeas 20, Nays 53.

The yeas and nays being demanded,

Those who voted to sustain the decision of the chair were, messrs Bradley, Clemens, Fletcher, Gresham, Haughton, Houston, Jones of Con. Jones of Cov. Jones of m. Justice, B. McAlpin, R. C. McAlpin, Mcmillion of B. Moore, Norris, Rogers, Stinson, Taylor, Walker of B. and Wynn.

Those who voted against sustaining the chair are, messrs Alexander of Laud. Alexander of Low. Allen, Barron, Bishop, Broughton, Burleson, Cain, Chiles, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Ford, Gardner, Garland, Griffin of S. Hammond, Harris, Heflin, Hendricks, Henry, Houston, Hunter, Hutchinson, James, Jefferson, Jemison, Kennedy, Kidd, King, Marchbanks, Mason, McAlister, S. McAlpin, McLemore, McLeod, Mcmillion of J. Mitchell, Morgan, Mundy, Musgrove, Norman, Norwood, Phillips, Randolph, Reynolds, Scott, Smith of H. Smith of J. Smith of L. Smith of T. Spruell, Storrs, Troup, Valliant, Wallace, Ware, Winston, Woodward, Yancey and Young.

The question then recurred on mr Rodgers' motion to re-consider the vote refusing to refer the bill to place in liquidation the branch of the bank of the State of Alabama at Decatur, together with the amendments, to a select committee; which was carried. Yeas 51, nays 41.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Laud. Allen, Armbrister, Barker, Bishop, Burleson, Cain, Clemens, Davenport, Fletcher, Garland, Griffin of J. Hammond, Haughton, Heflin, Hendricks, Henslee, Hogan, Houston, James, Jones of m. Kennedy, King, Marchbanks, McAlister, B. McAlpin, McLeod, Mcmillion of B. Mcmillion of J. Moore, Morgan, Norman, Perkins, Phillips, Randolph, Rushing, Smith of H. Smith of J. Smith of J. Smith of T. Strode, Taylor, Troup, Valliant, Walker of B. Walker of L. Winston, Woodward and Yancey.

Those who voted in the negative are, messrs Speaker, Alexander of Low. Barron, Baadley, Broughton, Chiles, Covington, Crenshaw, Davis of B. Erwin, Ford, Gardner, Gresham, Griffin of m. Griffin of S. Harris, Henry, Hutchinson, Jefferson, Jemison, Kidd, Mason, R. G. McAlpin, S. McAlpin, McLemore, Mitchell, Moores, Mundy, Musgrove, Norris, Norwood, Scott, Smith of L. Spruell, Steele, Storrs, Stinson, Wallace, Ware, Wynn and Young.

Mr. Clemens then moved to refer the bill and amendments to a select committee, which was carried--yeas 61, nays 29.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud., Allen, Armbrister, Barker, Bishop, Chiles, Clemens, Crawford, Davis of B., Erwin, Fletcher, Garland, Griffin of J., Griffin of m., Hammond, Harris, Haughton, Hendricks, Henslee, Hogan, Houston, James, Jones of Con., Jones of Cov., Jones of m., Jefferson, Justice, Kennedy, King, Marchbanks, McAlister, B. McAlpin, McLeod, Mcmillion of n., Mcmillion of J., Moore, Musgrove, Norman, Perkins, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Smith of T., Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Winston, Woodward and Yancey.

Those who voted in the negative are, messrs. Alexander of Low., Bradley, Broughton, Cain, Covington, Crenshaw, Davenport, Davis of B., Ford, Griffin of S., Henry, Hutchinson, Jemison, Kidd, Mason, R. C. McAlpin, Moores, Morgan, Mundy, Norris, Scott, Smith of L., Spruell, Storrs, Wallace, Ware, Wynn and Young.

Whereupon messrs. Clemens, Yancey, Jemison, James, Rice, Hutchinson and B. McAlpin were appointed said committee.

The House then took up for consideration the bill to amend an act regulating punishments under the penitentiary system, approved January the 9th, 1841.

Mr. Kennedy moved the following amendments :

1st. Strike out the word "first," where it occurs in the 5th section of the 3d chapter of said act, and in lieu thereof insert the word "second,"—which was lost.

2d. In the 6th, 7th and 10th sections of the 3rd chapter of the said act, strike out the words "murder in the second degree," where they occur, and insert the words "manslaughter in the first degree," in lieu thereof—which was lost. Yeas 8, nays 82.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Bradley, Mundy, Davis of B., Kennedy, Moore, Moores, Scott and Storrs.

Those who voted in the negative are messrs. Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Broughton, Burleson, Cain, Clemens, Covington, Chiles, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Haughton, Heflin, Henry, Hogan, Houston, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, McAllister, B. McAlpin, R. C. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Norris, Norwood, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Smith of L., Spruell, Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Woodward, Wynn and Yancey.

3d. In the 14th section, 15th section and 17th section, of the 3rd chapter of said act, strike out the words "for life," and insert the words "not less than 10 nor more than 30 years,"—which was lost.

4th. In the 19th section of the 3rd chapter of said act, strike out the word "marriage" where it occurs—which was lost.

5th. In the 26th section, 3rd chapter of said act, strike out "or bringing," and "brought or," where they occur—which was lost.

On motion, the House adjourned until half-past 3 o'clock this afternoon.

AFTERNOON SESSION, half-past 3 o'clock.

Mr. Mitchell made the following report.

The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to-wit :

An act to incorporate the town of Clayton, Barbour county, Ala.

An act to incorporate Midway academy, in the county of Macon.

An act to define and regulate the duties of county treasurer in the county of Russell.

And, an act for the relief of Thomas B. Royston.



Mr. Smith of L. offered the following resolution, which was adopted :

Resolved, that hereafter no person shall be allowed to smoke in the House of Representatives.

The House then resumed the consideration of the bill to amend an act regulating punishments under the penitentiary code.

Mr. Norris moved to suspend the orders of the day for the purpose of taking up the resolution from the Senate proposing to adjourn, which was lost—yeas 14, nays 66.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Low. Cain, Davenport, Davis of L. Hunter, James, S. McAlpin, Moores, Norris, Norwood, Spruell, Wallace, Winston and Young.

Those who voted in the negative are, messrs. Speaker, Alexander of Laud. Allen, Armbrister, Barron, Bishop, Bradley, Burleson, Chiles, Clemens, Covington, Crenshaw, Crawford, Davis of B. Erwin, Ford, Gardner, Garland, Gresham, Griffin of J. Griffin of M. Griffin of S. Hammond, Haughton, Heflin, Henry, Houston, Hogan, Hutchinson, Jones of M. Jefferson, Jemison, Justice, Kennedy, Kidd, King, Marchbanks; B. McAlpin, R. C. McAlpin, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rodgers, Rushing, Scott, Smith of H. Smith of T. Smith of L. Smith of J. Stinson, Taylor, Troup, Walker of B. Woodward, Wynn and Yancey.

The bill to amend an act regulating punishments under the penitentiary system was taken up, and the 1st and 2d sections were adopted.

Mr. Norwood moved to amend the 3rd section of said bill, by striking out the word 'ninth,' which was carried. Yeas 56, nays 30.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barron, Bishop, Broughton, Burleson, Cain, Chiles, Covington, Davenport, Fletcher, Ford, Gardner, Garland. Griffin of M. Griffin of S. Hammond. Heflin, Henslee, Hogan, Hunter, Hutchinson, James, Jones of Con. Jones of Cov. Jones of M. Jefferson, Kennedy, Marchbanks, McLeod, McMillion of B. McMillion of J. Moors, Musgrove, Norris, Norwood, Rodgers, Rushing, Scott, Smith of H. Smith of J. Smith of L. Smith of T. Spruell, Steele, Stinson, Taylor, Troup, Valliant, Walker of B. Wallace, Woodward and Wynn.

Those who voted in the negative are, messrs. Barker, Bradley, Clemens, Crenshaw, Crawford, Davis of B. Davis of L. Erwin, Gresham, Griffin of J. Haughton, Henry, Houston, Jemison, Justice, King, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Norman, Phillips, Randolph, Reynolds, Storrs, Walker of L. Winston and Yancey.

Mr. Norwood then moved to amend the 3d section of said bill, by striking out the word "twelfth"; which was carried. Yeas 45, nays 38.

The yeas and nays being demanded.

Those who voted in the affirmative are messrs. Alexander of Laud. Alexander of Lowndes, Barker, Barron, Bishop, Broughton, Burleson, Cain, Fletcher, Ford, Gardner, Garland, Griffin of Madison. Griffin of S. Hammond, Heflin, Henslee, James, Jones of M. Jefferson, Kennedy, King, Marchbanks, McLeod, Mcmillion of B. Mcmillion of J. Moore, Musgrove, Norwood, Rogers, Rushing, Scott, Smith of L. Spruell, Steele, Stinson, Taylor, Troup, Valliant, Walker of Law. Winston, Wynn and Young.

Those who voted in the negative are messrs Allen, Armbrister, Bradley, Chiles, Clemens, Covington, Crawford, Davis of B. Davis of L. Erwin, Gresham, Griffin of J. Haughton, Henry, Hogan, Houston, Hutchinson, Jones of Con. Justice, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Norman, Norris, Perkins, Phillips, Randolph, Reynolds, Smith of J. Storrs, Strode, Walker of B. Wallace, and Woodward.

Mr. Yancey then gave notice, that before the hour of 11 o'clock, on Monday next, he would move a reconsideration of the vote just taken.

A message from the Senate by Mr. Clitherall,

*Mr. Speaker:* The Senate has passed a bill to be entitled an act to revise the charter of incorporation of the town of Uniontown, in Perry county.

In which the concurrence of the House of Representatives, is respectfully asked.

Mr. Wynn moved to adjourn until half past nine o'clock, Monday morning, which was carried.

MONDAY, DECEMBER 20, 1841.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the record for divorce between Mary Worsham and Jacob D. Worsham which was read and referred to the Committee on Divorce and Alimony.

Mr. Barron introduced the following resolution :

*Resolved,* That the House will for the ballance of the session, meet every morning at half past nine o'clock, and adjourn at two o'clock, meet again at half past three o'clock, and adjourn at five ; meet again at half past six, adjourn at ten o'clock, and that this shall be the order of business of each day, unless the two Houses shall be assembled together for the purpose of holding elections.

*Resolved,* That no motion shall be entertained by the Speaker, until the time mentioned in the first resolution, the Speaker shall then announce the time of day, and on motion, the House shall then adjourn.

Which resolutions lie over one day:

Mr. Mcmillion of B. introduced a bill to authorize Wm. Walker, Sen. to establish a ferry, on the Black Warrior river, in Blount county, which (the rule being suspended) was read three several times forthwith, considered as engrossed, and passed.

Ordered that the title remain as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. Crenshaw introduced a bill to authorize the citizens of the town of Greenville, Butler county, to elect a justice of the peace and constable, and the rule being suspended, was read three several times forthwith, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. Phillips introduced a bill to extend and change the time of holding Spring terms of the Circuit Courts of certain counties therein named ; the rule being suspended, was read three several times, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that it be sent to the Senate for their concurrence.

Mr. Hendricks introduced a bill to alter the time of holding the Circuit

Courts, in certain counties therein named, which was read the first and second times forthwith, and referred to the delegation from Cherokee and DeKalb.

Mr. James presented the petition of Samuel Bradford and Peyton R. Tunstall, which was read and referred to the committee on the Judiciary.

Mr. Wynn introduced Joint Resolutions in relation to purchasers of 16th section, township 4, range 5, west in the County of Limestone, which were read the first and second times forthwith, and the rule being suspended, was read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that they be sent to the Senate for their concurrence.

A message from the Governor, by Mr. Harrison :

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, December 20, 1841. }

*To the Speaker of the House of Representatives :*

SIR : I have the honor to make known to your Honorable body, a vacancy in the office of County Judge, of the County Court of Covington County.

Signed,

BEN. FITZPATRICK.

Which was laid on the table.

Mr. Alexander of Lowndes, presented the petition of Marian C. Payne, and fifteen other females ; and of S. A. Mcmeans and others of the County of Lowndes, which were severally read and referred to the committee on the Penal Code.

A message from the Senate by Mr. Clitherall,

*Mr. Speaker :* The Senate has passed a bill to be entitled an act to divide the State of Alabama, into three Chancery Divisions, and for other purposes.

In which the concurrence of your Honorable body is respectfully asked.

Mr. Moors presented the petition of sundry citizens of the town of Demopolis, which was read, and referred to the delegation from Marengo county.

Mr. Hutchinson presented the petition of sundry citizens of Montgomery county, which was read and referred to the committee on County boundaries.

Mr. Ford introduced a bill to require the Sheriff of Perry County, to sell all property levied on by him in that portion of said county, east of the Cahawba river, at the town of Perryville, which was read the first and second times forthwith, read the third time and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. McLeod introduced a bill to add a part of Pike county to Barbour county, which was read the first and second times forthwith, and referred to the delegations of Pike and Barbour.

Mr. Heflin and Mr. Smith of T. presented accounts, which were severally read and referred to the committee on Accounts.

Mr. Perkins introduced a bill to authorize the Judges of the County Courts, to decree the sale or reversion of 16th sections, when the purchasers thereof prove insolvent, which was read the first and second times forthwith, and referred to the committee on Education.

Mr. Young introduced a bill to allow Edwin Robinson to erect a gate or

gates across a road therein designated, which (the rule being suspended) was read three several times and passed.

Ordered that the title be as aforesaid.

Ordered that it be sent to the Senate for their concurrence.

Engrossed bill from the Senate to establish certain election precincts therein named, and for other purposes, was read the second time, and the rule being suspended, was read the third time and passed.

Ordered, that the clerk inform the Senate thereof.

The Resolution from the Senate proposing to go into the election of President and Directors for the branch bank at Huntsville, being under consideration.

Mr Taylor moved to amend by inserting seven o'clock to-morrow evening, 21st inst.; which was carried.

Mr Erwin moved to amend said resolution by adding thereto the words "and a President and six Directors for the branch bank at Mobile on Wednesday next;" which was lost.

Mr Erwin then moved a reconsideration of the vote on Mr Taylor's amendment; which was carried.

Mr Yancey moved to amend the resolution by adding thereto the words, "and President and Directors for the branch bank at Montgomery on Tuesday night, 21st inst. at half past six o'clock."

Mr Spruill moved to lay the message on the table; which was carried.

A message from the Governor by Mr Harrison.

Mr Speaker: His Excellency the Governor, did on this day approve and sign bills of the following titles, to wit:

A bill to be entitled an act for the benefit of the estate of John S. Gray, deceased.

A bill to be entitled an act for the relief of tales jurors, in the county of St. Clair, and other counties.

A bill to be entitled an act to divorce Amanda White from her husband Wm. A. White.

Which bills originated in the House of Representatives.

The message was laid on the table.

Mr Rice moved a reconsideration of the vote just taken on Mr Spruill's motion to lay the message from the Senate on the table: which was lost.

A message from the Senate by Mr Clitherall.

Mr Speaker: The Senate has passed joint resolutions in relation to an act of the Congress of the United States entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved 4th Sept. 1841.

In which the concurrence of your honorable body is respectfully asked.

The bill to amend an act regulating punishments under the penitentiary system, approved Jan. 9th, 1841, being under consideration.

Mr Yancey, who voted with the majority on Mr Norwood's motion to amend the 3d section of the said bill by striking out the word "twelfth, moved to reconsider that vote; which was lost. Yeas 41—Nays 48.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Armbrister, Bradley, Chiles, Clemens, Covington, Crenshaw, Crawford, Davis of B., Erwin, Fletcher, Garland, Gresham, Griffin of J., Har-

ris, Haughton, Houston, Hutchinson, Jones of Cov., Jemison, Justice, B. McAlpin, R. C. McAlpin, McLemore, McMillion of J., Mitchell, Moore, Norman, Norris, Randolph, Reynolds, Rice, Rushing, Smith of H., Smith of J., Smith of T., Storrs, Strode, Yancey and Young.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Barker, Barron, Bishop, Broughton, Burleson, Cain, Davenport, Ford, Griffin of M., Griffin of S., Hammond, Heflin, Hendricks, Henry, Henslee, Hunter, Jones of Con., Jones of M., Jefferson, Kennedy, King, Marchbanks, Mason, S. McAlpin, McLeod, McMillion of B., Moors, Musgrove, Norwood, Phillips, Rodgers, Smith of L., Spruill, Steele, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston and Wynn.

Mr Norwood moved to amend the 11th section of said bill by striking out the word "fourth;" which was carried. Yeas 57—Nays 32.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Alexander of Laud., Allen, Barker, Bishop, Broughton, Burleson, Cain, Covington, Davenport, Erwin, Fletcher, Ford, Garland, Griffin of J., Griffin of M., Griffin of S., Hammond, Heflin, Hendricks, Henslee, Hunter, Hutchinson, James, Jones of Con., Jones of M., Jefferson, Marchbanks, Mason, McLeod, McMillion of B., McMillion of J., Moors, Morgan, Mundy, Musgrove, Norris, Norwood, Perkins, Rodgers, Rushing, Smith of H., Smith of J., Smith of L., Smith of Tusk., Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware and Wynn.

Those who voted in the negative are, messrs Armbrister, Alexander of Lowndes, Chiles, Clemens, Crawford, Crenshaw, Davis of B., Davis of L., Gresham, Henry, Hogan, Houston, Jemison, Justice, Kennedy, King, B. McAlpin, R. C. McAlpin, S., McAlpin, McLemore, Mitchell, Moore, Norman, Randolph, Reynolds, Rice, Strode, Wallace, Winston, and Young.

Message from the Governor by Mr Harrison.

To the Speaker of the House of Representatives:

Sir: I have the honor to make known to your honorable body, that the seat of Dr DeLoach, one of the physicians of the medical board of the northern district of the State at Huntsville, is declared vacated by J. Stith Malone, presiding member of said board.

Signed,

BEN. FITZPATRICK.

Ordered, that said message lie upon the table.

Then the House adjourned to half past 3 o'clock this afternoon.

AFTERNOON SESSION, half past 3 o'clock.

The House met pursuant to adjournment.

The House resumed the consideration of the bill to amend the act regulating punishments under the penitentiary system, approved Jan. 9, 1841.

Mr R. C. McAlpin moved to amend the bill by way of the following proviso, as an additional section:

Provided that if any of the offences enumerated in this act may have been committed since the 2d day of November last, the same shall be had and judgments rendered thereon according to the provisions of the penal code before the passage of this act, the Governor of this State shall on the

application of the party interested, commute said punishment to that which may be prescribed in this act; which was adopted.

Mr Norris moved to amend the bill by way of the following additional section:

Section —. And be it further enacted, that the words “or in any other State of the United States, or any territory or district thereof,” where they occur in the 12th section of the 3d chapter, be, and the same are hereby stricken out, and so much of said section repealed; which was lost. Yeas 26—Nays 43.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Bradley, Cain, Chiles, Davis of B., Davis of L., Garland, Henry, Hunter, Jones of Con., Jemison, Justice, Kidd, B. McAlpin, Mitchell, Moore, Norman, Norris, Randolph, Reynolds, Smith, of J., Storrs, Wallace, Winston, Yancey and Young.

Those who voted in the negative are, messrs Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Broughton, Burleson, Covington, Crenshaw, Crawford, Davenport, Fletcher, Ford, Griffin of M., Griffin of S., Hammond, Heflin, Hendricks, Henslee, Hutchinson, James, Jones of M., Jefferson, King, Marchbanks, Mason, R. C. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Musgrove, Rodgers, Smith of L., Spruill, Steele, Stinson, Taylor, Troup, Valliant, Ware and Wynn.

Mr Hutchinson moved to amend the bill by way of the following additional sections; which were adopted.

Section —. And be it further enacted, that in the 9th section of the 3d chapter, after the word “draw” the words “or conceal about his person,” be, and the same are hereby inserted.

Sec. —. And be it further enacted, that in the 31st section of the 3d chapter of the penal code, the word “stick.” be, and is hereby stricken out.

Mr Spruill moved to amend the bill by the way of the following additional section.

Sec. —. And be it further enacted, that the 20th section of the 4th chapter of the penal code, be, and is hereby repealed; and the following inserted in lieu thereof:

Every person who shall buy or sell in this State, remove or cause to be removed beyond the limits of the same, any slave or other personal property mortgaged or conveyed by deed of trust, with the knowledge of the execution of such, and with the intent to hinder, delay or defraud any person claiming under such deed or mortgage, shall, on conviction, be punished in the penitentiary for a term not less than two nor exceeding five years; which was lost. Yeas 8—Nays 53.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Bradley, Crawford, Ford, Henry, Justice, Spruill, Wallace and Wynn.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Burleson, Bishop, Cain, Covington, Crenshaw, Davis of B., Davis of L., Fletcher, Garland, Hammond, Heflin, Hendricks, Hogan, Henslee, Houston, Hunter, Hutchinson, Jones of M., Jefferson, Jemison, King, Marchbanks, B. McAlpin, S. McAlpin, R. C. McAlpin,



McLeod, McMillion of J., Mitchell, Moore, Morgan, Musgrove, Norman, Randolph, Reynolds, Rodgers, Smith of J., Smith of L., Steele, Storrs, Stinson, Taylor, Troup, Valliant, Ware and Winston.

Mr Norris moved to amend the bill by way of the following additional section.

And be it further enacted, that the word "not" be and the same is hereby inserted in the 12th section of the 3d chapter of said act, after the word "that" in the fourth line of said section; which was lost.

Mr Jemison moved to amend the bill by way of the following additional section:

And be it further enacted, that the words 'upon conviction' be, and the same are hereby inserted in the 4th line of the 12th section of the 3d chapter after the word 'shall' in said line, and the last clause of said section, beginning at the word 'and' in the 6th line of said section be, and the same are hereby repealed; which was lost. Yeas 26. Nays 31.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Henry, Houston, Hunter, Jemison, B. McAlpin, R. C. McAlpin, McLemore, McMitchell, Mundy, Norman, Norris, Randolph, Reynolds, Rice, Smith of J., Spruill, Storrs and Winston.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Burleson, Fletcher, Ford, Griffin of S., Hammond, Heflin, Hendricks, Henslee, Hutchinson, Jones of M., Jefferson, S. McAlpin, McLeod, Morgan, Musgrove, Rodgers, Smith of L., Steele, Taylor, Troup, Valliant, Ware and Wynn.

Mr Houston moved that this House now adjourn until half past 9 o'clock to-morrow; which was carried.

And then the House adjourned.

TUESDAY, Dec. 21, 1841.

The House met pursuant to adjournment.

Mr Crawford presented an account, which was referred to the committee on accounts.

Mr Crawford presented the petition of the trustees of Mulberry Academy, Barbour county; which was read and referred to the committee on education.

Mr Walker of B., presented documents in relation to disbursements of monies drawn from the treasury; paid the Secretary of State; which were read and referred to a select committee, composed of messrs Walker of B., R. C. McAlpin, Ware, Jones of M., and Spruill.

Ordered, that Mr Rhodes have leave of absence.

Mr Winston presented the petition of citizens along the undefined line between Jackson, Marshall and DeKalb counties; which was read and referred to the committee on county boundaries.

Mr Taylor presented the petition of sundry citizens of Fayette county; which was read and referred to the committee on county boundaries.

Mr Walker of L., introduced a bill to provide for a special term of the chancery court at Moulton, and for other purposes; which was read the first

time, and the rule being suspended, was read the second and third time—considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Ware introduced a bill to better regulate the election of President and Directors of the State bank and its several branches; which was read the first and second times, forthwith.

Mr Rice moved to amend the bill by striking out the word 'or exhibit' and inserting the words 'in writing;' which was adopted.

Mr Norris moved to amend Mr Rice's amendment, by adding thereto the words 'and be read at the clerks table;' which was adopted.

The amendment as then amended, was adopted.

Mr Houston moved to amend the bill by striking the preamble therefrom; which was lost.

Mr Norman moved to amend the bill, by way of the following additional section.

Be it further enacted, that any member of either branch of the legislature who shall nominate any candidate for President or Director of any bank in this State, shall also state in writing as above, whether the candidate thus nominated, be solvent or insolvent: whether his indebtedness be to the bank or other person; which was lost.

Mr Haughton moved to amend the bill, by way of the following proviso:

Provided, however, the member nominating, shall give to the chair, the indebtedness of such candidate or candidates in writing, subscribed by his own proper name; which was lost.

Mr Griffin of M., called for the previous question; which was sustained.

Mr Ware, who voted in the affirmative for the call of the previous question, moved to reconsider that vote; which was carried.

The rule was then suspended and the bill read a third time.

Mr Jemison moved to amend the bill, by way of the following engrossed rider.

Be it further enacted, that the President and Directors of the State bank and branches, hereafter elected, shall be liable to and governed by all laws passed in relation to said State bank and branches, or either of them, though said laws may not have been in force at the time of the election of such President and Directors; which was lost.

The question then was, shall this bill pass?

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Covington, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Fletcher, Ford, Garland, Griffin of M., Hammond, Haughton, Harris, Heflin, Hendricks, Henry, Henslee, Hogan, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Jones of Madison, Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, S. McAlpin, McLemore, McLeod, McMillion of B., McMillion of J., Mitchell, Morgan, Mundy, Musgrove, Norris, Perkins, Randolph, Rice, Rodgers, Smith of J., Smith of L., Smith of T., Spruill, Steele, Storrs, Stinson, Taylor, Troup, Valliant, Wallace, Ware, Winston, Woodward, Wynn, Yancey and Young.—74.

Those who voted in the negative are, messrs, Chiles, Houston, R. C. McAlpin, Moors, Norman and Reynolds.—6.

Message from the Senate by Mr Clitherall:

Mr Speaker,—The Senate has passed bills from the House of Representatives, of the following titles, to wit:

An act to provide for the digesting the laws of the State of Alabama, and have amended the same as therein shewn.

An act to amend an act therein named.

An act to divorce Nancy P. Morrow from her husband James Morrow.

An act in relation to causeways in the county of Wilcox.

The Senate concurs in the amendment of the House to an act in relation to the 16th section in township 10, range 5, in the county of Wilcox.

The Senate has also originated and passed the following bills:

An act to authorise the bank of the State of Alabama and its several branches, to receive the State bonds in payment of certain debts due said bank and branches.

An act to repeal an act entitled an act to reduce the sheriffs fees in Baldwin county, approved 23d, December 1837.

An act for the relief of Reuben Lackey, tax collector of Jackson county.

An act to prevent a sacrifice of real estate.

An act to organize the 6th brigade, Alabama militia.

An act to enforce liabilities of sheriffs in respect to defaults and misfeasance in office, in the counties therein named.

The Senate has also adopted the following resolution:

Resolved, that with the concurrence of the House of Representatives, the two houses will convene in the hall of the House on Tuesday evening next, at 7 o'clock, P. M., for the purpose of electing a President and six Directors for the bank of the State of Alabama at Tuscaloosa, a Comptroller of Public Accounts, a State Treasurer, and a State Printer.

In all of which the concurrence of your honorable body is respectfully asked.

A message from the Governor by Mr Harrison.

Mr Speaker,—His Excellency, the Governor, did, on this day, approve and sign bills of the following titles, to wit:

An to incorporate the medical society of the city of Mobile, and for other purposes.

An act to incorporate the town of Dadeville, in Tallapoosa county.

An act to repeal in part an act entitled an act regulating punishments under the Penitentiary system, approved 9th January 1841.

An act to divorce Joseph Daniel from his wife Huldah Daniel.

An act to incorporate the Burnt Corn male academy, in the county of Conecuh.

An act to incorporate the town of Clayton, in Barbour county.

An act for the relief of Thomas B. Royston.

An act to incorporate the Midway Academy, in the county of macon.

An act to regulate and define the duties of county treasurer and tax collector for the county of Russell.

To the Speaker of the House of Representatives,

SIR:—In obedience to a resolution from your Honorable body requesting a statement from the Governor and Trustees of the University of the amount expended in building a house for the President of the University—by whom such appropriation was made; and what were the circumstances which were thought to justify it; and also any of the Professors of said University are engaged in any other business or pursuit to the neglect of their official duty, I have the honor to lay before the House the enclosed report, adopted by the President and Board of Trustees of the University of Alabama.

Signed,

BEN. FITZPATRICK.

Mr Mitchell made the following report:

The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit:

An act to enable the joint examining committee the more effectually to investigate bank frauds.

An act to establish an additional board of Physicians in the town of Florence.

An act to amend an act therein named, and for other purposes.

An act to compel the judges of the county courts of Franklin and Wilcox to reside at or within three miles of the court house.

An act to designate the line between the 15th and 88th Regiments of Alabama militia in the county of Jefferson.

Ordered that Mr Hutchinson be excused from serving on joint committee.

Ordered that Mr Ware be appointed on said committee.

Mr Spruill introduced a bill, the more effectually to secure the distribution of 16th section funds, which was read the first and second times forthwith, and referred to the committee on education.

Mr Heflin presented the petition of sundry citizens of Randolph, St Clair and Talladega, which was laid on the table.

Mr Heflin introduced a bill to prevent camp hunting in the counties of Randolph, St Clair and Talladega, which was read the first and second time forthwith.

Ordered that Mr Nowrood have leave of absence until Monday next.

Mr Clemens, from the select committee, to whom was referred the bill to place in liquidation the branch of the bank of the State of Alabama at Decatur, together with the amendment, reported a substitute, which was read.

The undersigned being appointed one of the select committee, to whom was referred a bill to liquidate and wind up the affairs of the Decatur bank, would enter this his protest against the report of said committee, and begs leave to state, that on the 18th inst. said bill was referred, by a vote of the House of Representatives, to a select committee, of which he was one, and he voting against such reference, because he desired that the bill, as introduced into the House for liquidating said Decatur bank, should pass without material alteration; the undersigned was notified on the 20th inst., to meet the committee on the 21st inst. at 9 o'clock; he attended at the time and place appointed, but the committee did not meet; the undersigned then asked the house to excuse his acting on said committee, and to appoint his colleague, Dr. Ware, in his stead; which was adopted. Immediately after the action, a substitute for the bill was reported by the committee, without any oppor-

tunity be given to either himself or his colleague to present their views either to the committee or to this house.

Signed,

J. J. HUTCHINSON.

21st Dec., 1841.

Mr Clemens moved to postpone the further consideration of the substitute just offered to the bill, to place in liquidation the branch of the bank of the State of Alabama at Decatur, until eleven o'clock to-morrow, and make it the special order of the day for that hour, and to print one hundred and thirty-three copies.

Mr Ware moved to amend Mr Clemens' motion by striking out the word "to-morrow," and inserting "Thursday," which was lost.

A division of the question on Mr Clemens' motion being called,

The question was first put on postponing the substitute until to-morrow.

The question then recurred on printing one hundred and thirty-three copies which was carried.

Mr Jemison presented the account of L. B. Granger, which was read and referred to the committee on accounts.

A message from the Senate by Mr Clitherall.

Mr Speaker;—The Senate has originated and passed the following bills.

An act making appropriations for the payment of claims against the State.

An act to incorporate Howard College in Marion, Perry county, Alabama.

The Senate concurred in all the amendments made by the House to a bill from the Senate, entitled an act to establish certain election precincts therein named, and for other purposes, except the following: At the house of Wm. Smith, where the road leading from Russellville to Cotton Gin crosses Big Bear creek, and have added an additional section as therein named; in which the concurrence of your Honorable body is respectfully asked.

The bill to amend an act entitled an act regulating punishments under the Penitentiary system, approved January 9th, 1841, being under consideration, was read the second time.

Mr Mitchell moved to amend the bill by inserting after the word "and," in the 1st line of the eleventh section, all after the word "jury," in the 10th line of the 4th section of the 7th chapter of the penal code, which was lost.

Mr Storrs moved to amend the bill by way of the following additional sections:

Be it further enacted, that the words "cotton," in the heap, of the value of one hundred dollars, or in bales," where they occur in the 15th chapter, 5th section, be, and the same are hereby stricken out, and so much of said section is hereby repealed; which was adopted.

Be it further enacted, that the words, "places of residence and occupations," where they occur in the 10th section of the 10th chapter, be, and the same are hereby stricken out, and so much of said section is hereby repealed; which was adopted.

Be it further enacted, that the 30th section of the 8th chapter be amended by inserting, "provided that the Attorney General or solicitor, upon conviction of any person under this act, if there has been no money or other thing of value bet, shall be entitled to only \$15; which was lost.

Mr B. McAlpin moved to amend the bill by way of the following additional sections:

Be it further enacted that the 19th section of the 6th chapter, be, and the

same is hereby repealed; which was lost.—Yeas 19, Nays 57.

The yeas and nays being demanded:

Those who voted in the affirmative are, messrs Davis of B., Erwin, Gresham, Griffin of J., Henry, Hogan, Houston, Hunter, Hutchinson, Jones of Con., Jones of Cov., Justice, B. McAlpin, R. C. McAlpin, S. McAlpin, Perkins, Reynolds, Smith of T. and Storrs.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Clemens, Covington, Crenshaw, Davenport, Fletcher, Ford, Garland, Hammond, Heflin, Hendricks, Henslee, James, Jones of M., Jefferson, Kennedy, Kidd, King, Marchbanks, McLeod, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Norris, Randolph, Rodgers, Smith of J., Smith of L., Spruill, Steele, Storrs, Stinson, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Woodward, Wynn and Yancey.

Mr Hogan moved to amend the bill by way of the following proviso:

Provided that the city of Mobile and the city and county of Montgomery be exempt from the operations of the 19th section of the 6th chapter; and the corporations of said cities, shall tax said tables as they may deem proper

Mr Hunter moved to amend Mr Hogan's motion, by inserting after the word "Montgomery," "Irwinton and Clayton," in Barbour county; which was accepted.

Mr Kennedy moved to amend the motion by inserting "Florence," after "Montgomery;" which was lost.

The question was then taken on Mr Hogan's motion as amended; and lost.—Yeas 28, Nays 59.

The yeas and nays being demanded:

Those who voted in the affirmative are, messrs Bradley, Clemens, Davis of B., Erwin, Gresham, Griffin of J., Henry, Hogan, Henslee, Houston, Hunter, Hutchinson, James, Jones of Con., Justice, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Perkins, Reynolds, Storrs, Strode, Walker of B., Wallace and Yancey.

Those who voted in the negative are, messrs Speaker, Alexander of Lowndes, Alexander of Laud., Allen, Armbrister, Barker, Barron, Bishop, Broughton, Burleson, Cain, Cochran, Covington, Crenshaw, Davenport, Davis of L., Fletcher, Ford, Garland, Hammond, Haughton, Heflin, Hendricks, Jones of Cov., Jefferson, Kennedy, Kidd, King, Marchbanks, McLeod, McMillion of J., Mitchell, Morgan, Musgrove, Norris, Randolph, Rodgers, Rushing, Smith of J., Smith of L., Smith of T., Spruill, Steele, Stinson, Troup, Valliant, Ware, Winston, Woodward and Wynn.

A message from the Governor by Mr Harrison.

Mr Speaker.

#### EXECUTIVE DEPARTMENT, TUSCALOOSA, Dec. 21, 1841.

SIR—I have the honor to enclose to you the annual report of the board of Trustees of the University of Alabama, and request that you will lay the same before the House of Representatives.

Signed,

BEN. FITZPATRICK.

Mr Mitchell moved to amend the bill under consideration by way of the following additional section:

And be it further enacted, that the 27th section of the 4th chapter, be, and

the same is hereby repealed; and the old law on that subject, as found in *Atkin's Digest*, page 108, section 41, under the head of crimes and misdemeanors, be, and the same is hereby revived, which was adopted.

Mr Clemens moved to amend the bill by way of the following proviso:

Sec. — Be it further enacted, that the following proviso shall be added to the 4th section of the 7th chapter of the act regulating punishments under the Penitentiary system: Provided that every citizen shall have the right to bear arms in defence of himself and the State; which was lost.—Yeas 24, Nays 47.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Bradley, Clemens, Cochran, Crenshaw, Davis of B., Davis of L., Gresham, Henry, Houston, Hunter, Justice, Kennedy, Kidd, King, B., McAlpin, Mitchell, Norman, Randolph, Reynolds, Storrs, Walker of B., Wallace, Woodward and Yancey.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Broughton, Burleson, Cain, Covington, Davenport, Erwin, Fletcher, Ford, Griffin of J., Hammond, Heflin, Hogan, Hutchinson, Jones of Con., Jones of Cov., Jones of M., Jefferson, Mason, Marchbanks, R. McAlpin, McLeod, McMillen of J., Moors, Morgan, Musgrove, Norris, Rodgers, Rushing, Smith of J., Smith of L., Spruill, Steele, Stinson, Troup, Valliant, Walker of Law., Ware, Winston and Wynn.

Mr Wallace moved to suspend the rule so as to give the bill a third reading forthwith; which was carried.

The bill was read the third time, considered as engrossed; and passed.

Ordered that the title be as aforesaid.

Ordered that the Same be sent to the Senate for their concurrence.

On motion the House adjourned until 3 o'clock.

AFTERNOON SESSION, 3 o'clock.

The House met pursuant to adjournment.

Mr McLemore offered the following resolution:

**RESOLVED**, that at half past 6 o'clock this evening the counties shall be called alphabetically, and each county shall call its local bills on their 1st, 2d and 3d reading, suspending all other business until all the counties are called; which was adopted.

Engrossed joint resolutions of the General Assembly of the State of Alabama, concerning purchasers of 16th sections, were read the second time.

Mr Barroh moved to amend the bill by way of the following additional resolution.

And be it further resolved, that the provisions of this act shall also apply to the contracts for the purchase by David Fluker, of a portion of section 16, township 17, range 6 east; and by John Fitts of the east half of the south east quarter; and by John Ormon of the north east quarter; all in the same township, section and range, and in the county of Perry; which was adopted.

Mr Moors moved the following amendment:

**RESOLVED**, that the above provisions be, and are hereby extended to the purchaser of lot No. 178, township, section, range one east, in the county of Marengo; which was adopted.

Mr Musgrove moved the following amendment:



And provided this act shall extend to the purchasers of the 16th section, in township 12, of range one east, of the — of Huntsville, in the county of Blount; which was adopted.

Mr Erwin moved the following amendment:

After the word purchaser, add, as follows: "And pay all costs which have accrued by suit, or otherwise on said notes; which was adopted.

The bill was then read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Ordered, that the committee on the State bank and branches have leave to sit during the sessions of the House.

Mr Young, from the select committee to which was referred the bill authorising the sale of property in Pickens county, reported amendments, which were concurred in, and the rule being suspended, the bill was read the third time, considered as engrossed, and passed.

Ordered, that the title be amended by adding thereto the words "and also at Greensborough, in the county of Greene.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Norris, from the select committee to whom was referred the bill to incorporate the LaFayette artillery company, reported amendments, which were concurred in, and the rule being suspended, the bill was read the third time, considered as engrossed, and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Moors, from the select committee to whom was referred the bill from the Senate to incorporate the Magnolia male and female academy, in the county of Marengo, reported the same back without amendment; the rule being suspended, the bill was read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Mr Crawford, from the select committee to whom was referred the bill and amendments establishing agencies of the Decatur bank at Irwinon, Wetumpka, Gainesville and Selma, reported a substitute.

Mr Griffin of Marshall, moved to lay the bill and substitute upon the table; which was carried. Yeas 45—Nays 23.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Allen, Barron, Bradley, Broughton, Norleson, Cain, Clements, Davenport, Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Griffin of M., Harris, Haughton, Heflin, Hendricks, Henslee, Houston, James, Jefferson, King, Marchbanks, B. McAlpin, McMillion of B., McMillion of L., Mitchell, Musgrove, Norman, Randolph, Rodgers, Smith of J., Smith of L., Spruill, Taylor, Troup, Vaillant, Walker of B., Wallace, Winston, Woodward and Wynn.

Those who voted in the negative are, messrs Alexander of Low., Bishop, Covington, Crenshaw, Crawford, Davis of B., Gresham, Griffin of S., Henry, Jones of Con., Justice, Kennedy, Kidd, Mason, R. C. McAlpin, McLemore, Moors, Norris, Rice, Rushing, Steers, Stinson, and Yancey.

Mr Musgrove, from the select committee to whom was referred the petition of citizens of the county of Blount, reported a bill to declare the Locust

and Mulberry forks of the Black Warrior river, public highways; which was read the first time and ordered to a second reading.

Mr B. McAlpin, from the select committee to whom was referred the bill from the Senate to prevent frauds in elections, reported amendments, which were concurred in, and the rule being suspended, it was read the third time and passed. Yeas 44—Nays 24.

The yeas and nays being demanded, those who voted in the affirmative are messrs Allen, Bishop, Burleson, Chiles, Clemens, Erwin, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Hendricks, Henslee, Houston, James, Jones of Con., Jones of Cov., Jefferson, Justice, Kennedy, Marchbanks, B. McAlpin, R. McAlpin, McMillion of B., McMillion of J., Musgrove, Norman, Randolph, Reynolds, Rice, Rushing, Smith of J., Smith of L., Steele, Taylor, Troup, Valliant, Walker of B., Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs Speaker, Alexander of Low., Barron, Bradley, Broughton, Cain, Crenshaw, Crawford, Davenport, Davis of B. Davis of L., Fletcher, Gardner, Griffin of S., Harris, Henry, Kidd, King, Mason, McLeod, Norris, Spruill, Stinson and Wallace.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Mr Davenport, from the select committee to whom was referred the bill regulating the practice of dental surgery, and for other purposes; which was read the first and second times forthwith, and the rule being suspended, was read the third time, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr B. McAlpin, from the select committee to whom was referred a bill from the Senate entitled an act to amend an act passed the 7th day of January, 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city of a supply of wholesome water to be used for domestic purposes and the extinguishment of fires, reported favorably; the rule being suspended, the bill was read the third time, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate thereof.

Mr McMillion of Blount, from the select committee to whom was referred the petition of sundry citizens of township 12, range 1 east, in the county of Blount, reported unfavorably, and asked to be discharged from the further consideration of the same; which was granted.

Mr Hammond, from the select committee to whom was referred the petition in relation to public weighers in the city of Wetumpka, reported a bill to appoint public weighers in the town of Wetumpka; which was read the first and second times forthwith, and the rule being suspended, was considered as engrossed, read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Crenshaw, from the select committee to whom was referred the petition of citizens of Greeneville, reported that a bill has passed this House granting the prayer of the petitioners, and ask to be discharged from the further consideration of the same; which was granted.

Mr Erwin, from the select committee to whom was referred a bill to distribute the sixth census of the U. States, throughout this State, reported a bill to distribute the sixth census of the United States throughout this State.

Mr Ware moved to amend the bill by way of the following additional section:

Be it further enacted, that the Secretary of State shall cause to be placed in the office of the clerk of the county court of each county, where the chancery court is held, one copy of the Digest of Patents issued by the United States from 1790, to the 1st of January, 1839, published by act of Congress, and one copy to the Centenary Institute, in the county of Dallas, and one copy to the Jefferson Institute, in the county of Montgomery; which was adopted.

The bill was read the third time, considered as engrossed, and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent Senate for their concurrence.

Mr Erwin, from the select committee to whom was referred the bill from the Senate to establish a road court in the county of mobile, reported the same back to the House.

Mr B. McAlpin moved to strike out mobile and insert the several counties in this State; which was lost.

Mr Crawford moved to lay the bill on the table; which was lost.

The question then was, Shall this bill be ordered to a third reading on to-morrow? and decided in the affirmative.

Mr Walker of Lawrence, from the select committee to whom was referred the bill to compensate Robert Fenner and others, reported favorably.

The bill was read the second time and ordered to be engrossed for a third reading on to-morrow.

On motion, the House then adjourned until half past 6 o'clock.

NIGHT SESSION, half past 6 o'clock.

The House met pursuant to adjournment.

The bill to pay certain claims therein mentioned, was read the second time.

Mr Clemens moved to amend it by striking out the allowance to John M. McClanahan.

Mr Spruill moved to recommit the bill; which was lost.

The question recurred on Mr Clemens' motion, and carried.

Mr Clemens moved further to amend it by striking out the allowance to Valliant; which was carried.

Mr Houston moved to amend it by striking out the allowance to Dalton, which was carried. It was ordered to be engrossed for a third reading.

Bills of the following titles, to wit:

An act to make county claims receivable in payment of taxes in Dale county.

An act to divorce Martha Ann Ball from her husband Fessenden Ball.

An act to divorce John Farley from Mary Farley.

An act for the payment of the claim of Hugh P. Caffey and others.

An act to extend the charter of a turnpike road therein named.

An act to divorce Ann C. Bell from Jno. D. Bell.

An act to authorise Benajah King, to erect a toll bridge across Big Mulberry creek.

An act to divorce Phillip Voiglin from his wife Mary Voiglin; and

An act for the relief of Robert Williamson.

Were severally read the second time, and the rule requiring bills to be read on three days being dispensed with, they were severally read the third time forthwith, considered as engrossed and passed.

Ordered, that the titles be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The bill from the Senate to compensate losses occasioned by pressing a horse in the Creek service, was read the second time.

Mr Smith of L. moved to amend it by striking out \$275, to insert \$175; which was lost. and the rule being suspended, it was read the third time forthwith and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate for the relief of Haley G. Jenkins and David Covington, was read the second time.

Mr Smith of Laud., moved to refer the bill to the committee on accounts; which was lost, and the rule being suspended, it was read the third time forthwith and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate in relation to certain school lands in Talladega, purchased by F. Hall and R. R. Chilton, was read the second time.

Mr Walker of B. moved to amend it by adding thereto an additional section; which was adopted.

And the rule being suspended, it was read a third time forthwith.

The title amended as follows: "And others in Benton county;" which was adopted. The bill passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to establish a board of physicians in the town of Jacksonville, was read the second time, and the rule being suspended, was read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill to prolong the charter of a certain turnpike road therein mentioned, was read the second time and referred to the delegation of Blount and Jefferson.

The bill for the relief of the commissioners of section 16, township 22, range 25, in Chambers county, was read the second time.

Mr Perkins moved to amend it by adding an additional section; which was adopted.

And the rule being suspended, it was read the third time forthwith, considered as engrossed.

The title amended with the words, "and for other purposes." The bill passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The bill from the Senate allowing compensation to certain persons; was read the second time and referred to the committee on accounts.

The bill to provide for the payment of the commissioners of the Penitentiary, was read the second time.

Mr Taylor moved to amend it, by striking out the word 'five' to insert the word 'four,' which was carried.

Mr Davis of Limestone, moved to amend it, by striking out 'four' to insert three.'

Mr Clemens moved to amend it, by proviso.

Mr Griffin of M., moved to refer the bill and amendments to the committee on accounts; which was carried.

The bill granting certain privileges to Alexander Findley of DeKalb county, was read the second time.

Mr Davis of L., moved the following proviso:

"Provided, the said Alexander Findley shall first take an oath and file the same in the county court of said DeKalb county, that he will not sell the goods, wares or merchandize of any other person without license; which was lost.

And the rule being suspended, it was read the third time forthwith—considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The bill to alter the mode of assessing and collecting the taxes for Fayette county, and for other purposes, was read the second time.

Mr Crawford moved to refer the bill to the judiciary committee; which was lost.

And the rule being suspended, it was read the third time forthwith, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The bill to extend the next term of the circuit court of Greene county to eighteen judicial days, was read the second time.

Mr Young moved to amend it, by striking out the word 'shall' to insert 'may,' which was carried.

And the rule being suspended, it was read the third time forthwith, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

And then the House adjourned until half past 9 o'clock to-morrow morning.

WEDNESDAY, Dec. 22, 1841.

The House met pursuant to adjournment.

The bill to prevent camp hunting in the counties of Randolph, St. Clair and Talladega, being under consideration; the question was on ordering it to a second reading, and lost.

Mr Crawford presented an account, which was read and referred to the committee on accounts.

Mr McMillion of Blount, introduced a bill to compensate jurors for trying the right of property before justices of the peace in the county of Blount; which was read the first time and ordered to a second reading.

Mr Crenshaw introduced a bill to authorise the commissioners in township 19, in Talladega county to do acts therein named; which was read the

first and second times forthwith, and the rule being suspended, it was read the third time, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Clitherall:

Mr Speaker,—The Senate has passed bills from the House of Representatives of the following titles:

An act to fix permanently, the time for the trial of all offences against the State, in the county of Wilcox.

An act to provide for a special term of the chancery court at Moulton.

An act to require the sheriff of the county of Perry, to sell all property levied on by him in that portion of said county, east of the Cahawba river at the town of Perryville.

An act to extend and change the time of holding the spring terms of the circuit courts of certain counties therein named; and to alter the sixth and ——— judicial circuits; and have amended the same as therein shewn.

Also joint resolutions in relation to purchasers of 16th section, township 4, range 5, west, in the county of Limestone.

The Senate has also originated and passed the following bills:

An act to regulate the trial of the right of property.

An act to reduce the fees of certain officers therein named.

An act to incorporate the Washington Monroe male and female academy at Fureyearville, Monroe county.

Joint resolutions in relation to the State Capitol.

An act for the relief of Daniel Rather and others.

An act to amend the law in relation to witnesses in State cases.

An act to abolish a precinct in Tallapoosa county, and for other purposes.

An act to secure the muscle shoals canal against dilapidation, and to remove obstructions to the navigation of the Alabama river.

An act requiring the clerks of the circuit and county courts of Marengo, to make and keep reversed indexes.

An act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and better to secure the collection of the doubtful and bad debts due the same.

In all of which, the concurrence of your honorable body, is respectfully asked.

Mr Hendricks introduced joint resolutions of the legislature of Alabama to the Congress of the United States; which was adopted.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Yancey presented the petition of citizens of Coosa county; which was read and referred to the committee on propositions and grievances.

Mr Yancey introduced a bill to pay a certain sum therein named to the heirs or legal representatives of Leah Fralick; which was read the 1st and 2d times forthwith, and the rule being suspended, it was read the third time, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Norman introduced a bill to authorise and require the board of trustees

of the University of Alabama, to refund money in certain cases therein named; which was read the first time.

Mr Crenshaw made the following report:

The committee on enrolled bills, have examined and find correctly enrolled bills of the following titles, to wit:

An act in relation to causeways in the county of Wilcox.

An act to divorce Nancy P. morrow from her husband James morrow.

An act to amend an act therein named.

Ordered, that mr Hutchinson have leave of absence for the remainder of the session.

The House then took up for consideration the bill to wind up the Decatur bank.

Mr Hogan moved to amend the bill by inserting after the words 'new emission of paper' in the 9th section, 'on and after the first of August 1842, in sums of twenty, fifty and one hundred dollar notes, and no other denomination;' which was carried.

Mr Clemens moved to amend the bill, by way of the following additional section, to come in between the 13th and 14th sections:

'Section. Be it further enacted, that the notes of the State bank and branches, shall be received in payment of all debts to this State or either of the banks thereof, and that not more than ——— per cent. per annum and interest shall be demanded of those already indebted to the several banks upon accommodation paper; which was adopted. Yeas 59. Nays 25.

Those who voted in the affirmative are messrs Speaker, Allen, Armbrister, Barron, Bishop, Burleson, Cain, Clemens, Davenport, Davis of L., Erwin, Fletcher, Ford, Griffin of J., Griffin of M., Griffin of S., Haughton, Hendricks, Henslee, Hogan, Houston, Hunter, James, Jones of Con., Jones of M., Kennedy, King, Marchbanks, B. McAlpin, R. C. McAlpin, Million of J., Mitchell, Moore, Moors, Morgan, Mundy, Musgrove, Norman, Perkins, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant Phillips, Walker of B., Walker of L., Winston, Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs Alexander of Laud., Alexander of Low., Bradley, Broughton, Chiles, Covington, Crenshaw, Garland, Hammond, Heflin, Henry, Jefferson, Justice, Kidd, Mason, S. McAlpin, McLeMore, McLeod, Norris, Scott, Smith of L., Smith of T., Spruill, Wallace, Ware and Young.

Mr Clemens moved further to amend the bill, by way of the following proviso, to come in at the end of the 9th section.

"Provided, that the exchange purchased by the bank of the State and the branch bank at Montgomery, payable in Mobile, shall be paid in funds equal to the funds given in the purchase of such exchange, to wit: Specie or its equivalent; which was carried. Yeas 47. Nays 34.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Alexander of Laud., Alexander of Low., Bishop, Bradley, Burleson, Cain, Clemens, Covington, Davis of L., Erwin, Fletcher, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Hendricks, Hogan, Houston, James, Jones of Con., Jones of Cov., Jones of M., King, Marchbanks, B. McAlpin, R. C. McAlpin, McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Smith of L., Steele, Strode, Taylor, Troup, Valliant, Woodward and Yancey.



Those who voted in the negative are, messrs Speaker, Allen, Barker, Barron, Broughton, Crenshaw, Crawford, Davenport, Davis of B., Ford, Gardner, Garland, Henry, Henslee, Jefferson, Justice, Mason, S. McAlpin, McLeod, McMillion of B., Moors, Norris, Perkins, Scott, Smith of T., Spruill, Storrs, Stinson, Walker of B., Wallace, Ware, Winston Wynn and Young.

Mr Erwin moved to amend the bill, by way of the following additional section:

Sec. — Be it further enacted, that whenever the makers or endorsers of any note entitled to extension under the relief laws of this State, shall renew their indebtedness with satisfactory security, the said notes so received shall bear interest at the rate of 7 per cent. per annum;" which was lost.— Yeas 30. Nays 52.

The yeas and nays being demanded:

Those who voted in the affirmative, are messrs Bishop, Cain, Clemens, Davenport, Davis of B., Erwin, Griffin of J., Haughton, Houston, James, Jones of M., B. McAlpin R. C. McAlpin, McMillion of B., Moore, Morgan, Musgrove, Norman, Perkins, Randolph, Reynolds, Rice, Rodgers, Rushing, Steele, Strode, Taylor, Woodward, Wynn and Yancey.

Those who voted in the negative are messrs Speaker, Alexander of Laud., Alexander of Low., Allen, Barker, Barron, Bradley, Broughton, Burleson, Chiles, Covington, Crenshaw, Crawford, Davis of L., Fletcher, Ford, Gardner, Garland, Griffin of M., Hammond, Heflin, Hendricks, Henry, Henslee, Hogan, Jones of Cov., Jefferson, Justice, Kennedy, King, Marchbanks, Mason, S. McAlpin, McLemore, McLeod, McMillion of J., Mitchell, Norris, Phillips, Scott, Smith of J., Smith of L., Spruill, Stinson, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware and Winston.

Mr Erwin moved further to amend the bill, by way of the following additional section:

"Sec. — Be it further enacted, that the bonds of the State of Alabama, shall be received in payment of any debt due the State bank, or any of its branches, contracted before the first day of January 1841, or any renewal of said debts.

Mr Crenshaw made the following report:

The committee on enrolled bills, have examined and found correctly enrolled, joint resolutions in relation to purchasers of 16th section, township 4, range 5, west in the county of Limestone.

On motion, the House adjourned until half past 3 o'clock this afternoon.

AFTERNOON SESSION, half past 3 o'clock.

The House met pursuant to adjournment.

Ordered, that the orders of the day be suspended for the present.

Mr Walker of Benton, from the committee on the judiciary, to whom was referred the petition of some of the citizens of Walker county, preferring charges against John E. Clancey, judge of the county court of said county, and asking an investigation into the official conduct of said Clancey, reported, that the committee caused the said John E. Clancey, together with his accusers and their witnesses to be brought before them, and the committee have carefully examined all the testimony introduced against the said John E. Clancey. And after giving the several charges and specifications, together with the testimony, due and careful examination, they have come to the conclusion, unanimously, that there is no just ground for preferring articles of impeachment against the said John E. Clancey.

The committee have further instructed me to report the following resolutions and recommend their passage.

Resolved, that in the opinion of the committee, the charges touching the conduct of Judge Clancey,—first as to his religious opinions; second, as to his conduct as a lawyer, and thirdly, as to the petition favoring his election, said to have been sent to the legislature, do not properly come before us for investigation, in as much as if sustained, no impeachment could be grounded on them.

2d. Resolved, that after a patient and careful examination of the witnesses called on the part of the prosecution, we are of opinion that no one of the charges are sustained, and that the chairman be requested to report these resolutions, and asked to be discharged from the further consideration of the petition praying an impeachment of John E. Clancey judge of the county court of Walker county.

3d. Resolved, that the chairman make out the costs of witnesses and sergeant-at-arms and clerk in this case, and recommend an appropriation to defray the same.

Which report was concurred in, the resolutions adopted, and the committee discharged from the further consideration of the subject.

The bill for the relief of certain persons therein named; was read the first and second times forthwith; the vote on the second reading being reconsidered, the bill was recommitted to the committee on the judiciary.

The House then resumed the consideration of the substitute reported by Mr Clemens from the select committee. in lieu of the bill and amendments to wind up the Decatur bank, which had been referred to them.

The question was on the adoption of Mr Erwin's amendment; which was lost. Yeas 41. Nays 41.

The yeas and nays being desired, those who voted in the affirmative are, messrs Allen, Bradley, Broughton, Covington, Crawford, Davis of B., Erwin, Ford, Gresham, Harris, Henry, Hogan, Houston, James, Jones of Con., Jones of M., Jemison, Justice, Kidd, R. McAlpin, McLemore, Mitchell, Moore, moors, Norman, Norris, Perkins, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of J., Smith of T. Spruill, Storrs, Wallace, Ware, Woodward, Wynn and Young.

Those who voted in the negative are messrs Speaker, Alexander of Laud., Alexander of Lowndes, Armbrister, Barker, Bishop, Burleson, Cain, Chiles, Crenshaw, Davenport, Davis of L., Garland, Griffin of J., Griffin of M., Griffin of S., Hammond, Heflin, Hendricks, Henslee, Jones of Cov Jefferson, Kennedy, King, Marchbanks, Mason, B. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Musgrove, Rice, Smith of L., Steele, Troup, Valiant, Walker of B., Walker of L., Winston, and Yancey.

Mr Hogan moved to amend the bill by striking from the 9th section, the word "hereafter;" which was carried.

Mr Moore of madison moved to amend it by striking out the third section; which was carried. Yeas 56—Nays 26.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Alexander of Laud., Allen, Armbrister, Barker, Barron, Broughton, Burleson, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Garland, Gresham, Griffin of M., Griffin of S., Harris, Hendricks, Henslee, Hogan, Houston, Jones of Con., Jefferson, Kenne-

dy, King, Marchbanks, Mason, R. C. McAlpin, S. McAlpin, McLemore, McLeod, McMillion of B. Moors, Musgrove, Perkins, Randolph, Rodgers, Rushing, Scott, Smith of J., Smith of T., Spruill, Storrs, Taylor, Troup, Walker of B. Walker of L., Wallace, Ware, Winston, Yancey and Young.

Those who voted in the negative are, messrs Bishop, Bradley, Davis of L., Ford, Griffin of J., Hammond, Heflin, Henry, James, Jones of M., Jemison, B. McAlpin, McMillion of J., Mitchell, Moore, Morgan, Norman, Norris, Phillips, Reynolds, Rice, Smith of L., Steele, Valliant, Woodward and Wynn.

Mr Jemison moved to amend the bill, by striking out the 4th section.

On motion, the House then adjourned until half past 6 o'clock this evening.

NIGHT SESSION, half past 6 o'clock.

The House met pursuant to adjournment.

Mr Griffin of M., moved a call of the House; which was lost.

Bills of the following titles, to wit:

An act to divorce Kenion J. W. Gaylord from his wife Mary Ann Gaylord.

An act to compensate messrs Watkins & Sellers for merchandise purchased by them for the use of the State of Alabama.

An act to incorporate the Florence Lyceum.

An act to divorce Eliza Biggs from her husband Hugh H. Biggs.

An act to abolish brigade encampment drills in the 13th brigade and fifth division.

An act for the payment of certain claims against the State.

An act for the relief of the tax collector of Macon county.

An act to locate the seat of justice of Marion county, and for other purposes.

An act for the appointment of overseers to work on a certain road therein named.

An act to divorce Simeon Wheeler from Catharine Wheeler.

An act for the better regulation of the management of steam boats.

An act to require the clerks of the circuit and county courts of Marengo county, to make and keep reversed indexes in all cases decided in their respective courts, and for other purposes.

An act to incorporate a manufacturing company at the great falls of the Tallapoosa river, in the county of Tallapoosa.

An act to provide for a more effectual organization of the 24th Regiment Alabama militia.

An act to alter the time of electing the assessor and tax collector of Montgomery county; were severally read the second time, and the rule being suspended, they were read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Bills from the Senate of the following titles, to wit:

An act to confirm the will of Martin Kirby, late of Mobile county.

An act to establish a court road in the county of Mobile; and

An act to change the mode of assessing and collecting the taxes for the county of Jackson, were severally read the second time, and the rule being suspended, they were read the third time and passed.

Ordered that the title be as aforesaid.

Ordered that the Senate be acquainted therewith.

The bill from the Senate to authorise the tax collector of Jackson county, to receive juror's certificates and State claims, that have become a county charge in payment of taxes due said county, was read the second time.

Mr Smith of Jackson moved to amend it by striking out all after the enacting clause, with a view of inserting the following:

"That it shall be the duty of the judge of the county court of Jackson county, with the commissioners of roads and revenue; and they are hereby required, at the first court in each and every year, to set apart as much of the county tax as will pay the grand and petit jurors one dollar and twenty-five cents per day.

The bill and amendment were referred to the delegation of Jackson county.

The engrossed bill for the relief of Robert Fenner and others, was read the third time, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill to change the time of holding the Court of Lauderdale County, was read the second time.

Mr. Kennedy moved to amend the bill by striking out the second section, with the view of inserting another in lieu thereof, which was accepted, and the rule being suspended, was read the third, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. Kennedy called up the bill to levy a special tax in the county of Lauderdale, which was read the second time.

Mr. Kennedy moved to amend it as follows: "In section 1st, after the words "County aforesaid," and before the words "not exceeding" insert "whenever they may deem it expedient and proper," which was adopted.

Mr. Alexander of La. moved to refer it to a select committee, which was lost.

The bill was read a third time, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill for the relief of John Evans, was read the second time.

Mr Walker of B. moved to amend it by way of an additional section; which was lost.

The question then was an ordering the bill to a third reading, and decided in the negative.

The bill to appropriate \$3000 to cut a canal in the county of Limestone was read the second time and referred to the committee on internal improvement.

The bill from the Senate in relation to prairie roads in the counties of Montgomery and Lowndes, was read the second time.

Mr Alexander of Low. moved to amend it by way of an additional section; which was adopted.

The bill was read a third time, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill for the relief of John Starns was read a second time, and referred to the Judiciary committee.

The bill to authorize the emancipation of certain slaves therein mentioned, was read the second time and the title amended by striking out the word "authorize" and inserting the word "confirm."

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. Norris who voted with the majority on the passage of the bill to compensate Robert Fenner and others, gave notice that on to-morrow, he would move to reconsider that vote.

The bill for the payment of certain claims against the State, was read the second time.

Mr. Erwin moved the following amendment to come in after the word "the Comptroller of public accounts be authorized" to issue his warrant on" and the rule being suspended.

The bill was read a third time, considered as engrossed and passed.

The bill from the Senate to regulate the salaries of the Solicitors of the 1st and 10th Judicial Circuits, was read the second time.

Mr. Walker of Benton, moved to refer it to the Judiciary committee.

Mr. Yancey moved to lay it upon the table, which was carried.

The engrossed bill to confirm the emancipation of certain persons therein named, was read a second time, and the rule being suspended, it was read a third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate, for their concurrence.

The bill for the relief of James M. Goodwin, was read a second time.

Mr. B. McAlpin moved to amend by inserting after the name of James M. Goodwin, the following names: S. S. Jennings, John Forsyth, C. A. Hoppin, Cornelius Robinson, John W. Henly, David Myers, Wm. C. Ash, Robert Gale, and Richard G. Earle, which was adopted.

The bill was read the third time forthwith, the rule being suspended, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr Yancey offered the following resolution:

*Resolved,* That with the concurrence of the Senate the two Houses will proceed to the election of a Comptroller of public accounts, State Treasurer, and State printer on Thursday the 23d inst. at the hour of 4 o'clock P. M.

Mr Alexander of L. moved to amend Mr Yancey's resolution by adding thereto the words, and a medical board for the town of Florence.

Mr Norris moved to amend the resolution by striking therefrom the words "State printer"; which was lost.

The resolution, as amended, was then adopted.

On motion, the House then adjourned until half past 9 o'clock to-morrow morning.

THURSDAY, December 23, 1841.

The House met pursuant to adjournment.

Mr Crenshaw moved a call of the roll; and the following members answered to their names.

messrs Speaker, Alexander of Laud, Alexander of Low, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Crenshaw, Crawford, Davis of L. Erwin, Ford, Gardner, Garland, Griffin of J. Griffin of m. Griffin of S. Hammond,

Harris, Haughton, Heflin, Hendricks, Henslee, Houston, James, Jones of m. Jefferson, Justice, Kidd, Marchbanks, Mason, McAlister, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McLeod, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Morgan, Mundy, Musgrove, Norman, Norris, Phillips, Randolph, Reynolds, Rice, Rhodes, Rogers, Scott, Smith of L. Smith of T. Spruell, Steele, Strode, Taylor, Troup, Walker of B. Wallace, Ware, Winston, Woodward, Yancey and Young.

Mr Norris, who voted in the majority on the passage of the bill to compensate Robert Fenner and others, moved to re-consider that vote; which was carried.

The question then was on the passage of the bill, and lost. Yeas 26, nays 47.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Laud. Alexander of Low. Crawford, Davis of B. Garland, Harris, Henry, Hogan, Kennedy, B. McAlpin, R. Mcalpin, McLeod, Moore, Morgan, Norman, Reynolds, Rogers, Scott, Smith of L. Steele, Storrs, Strode, Troup, Valliant, Walker of L. Woodward and Wynn.

Those who voted in the negative are, messrs Speaker, Allen, Armbrister, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Clemens, Crenshaw, Davis of L. Ford, Gardner, Griffin of m. Griffin of S. Hammond, Haughton, Heflin, Hendricks, Henslee, Hunter, James, Jones of m. Jefferson, Justice, Kidd, Marchbanks, Mason, S. Mcalpin, Mcmillion of B. Mcmillion of J. Mitchell, Musgrove, Norris, Phillips, Randolph, Rice, Rushing, Smith of J. Spruell, Taylor, Walker of B. Wallace, Winston and Young.

A message from the Governor by Mr Harrison:

*Mr Speaker*—His excellency the Governor did, on this day, approve and sign the following bills, to wit:

An act to establish an additional board of physicians in the town of Florence;

An act to compel the judges of the county courts of Franklin and Wilcox to reside at or within three miles of the courthouse;

An act to amend an act therein named, and for other purposes;

An act to designate the line between the 15th and 88th regiments of Alabama militia, in the county of Jefferson;

An act to amend an act therein named;

An act to divorce Nancy P. Morrow from her husband, James Morrow;

Joint resolutions in relation to purchasers of 16th section, township 4, range 5, west, in the county of Limestone.

An act in relation to causeways in the county of Wilcox.

Which bills originated in the House of Representatives.

A message from the Senate by Mr Clitherall:

*Mr Speaker*—The Senate has passed the following bills from the House of Representatives.

An act to declare the Noxubee river a *navigable* stream, the title of which is amended by inserting "*public highway*," for "*navigable stream*."

An act to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein named, and for other purposes.

An act to change the time for holding the county court for Tallapoosa county.

An act to allow Edwin Robinson to erect a gate or gates across a road therein designated.

The Senate desires the concurrence of your honorable body in the above amendments.

The House then took up for consideration the bill to authorize and require the board of trustees of the University of Alabama to refund money in certain cases therein named.

The question was on ordering the bill to a second reading.

The orders of the day being suspended.

Mr. Jamison made the following report:

The undersigned one of the select committee, to whom was referred a bill to be entitled an act to place in a state of liquidation, the branch of the Bank of the State of Alabama at Decatur, with an amendment offered thereto; as a minority of said committee, respectfully submits the following report, and asks that it may be spread upon the journal.

That he was not as was his right, notified of any meeting of the committee, and that he had no knowledge of the report of the majority, until it was made from the clerk's table, are facts mentioned in no spirit of censoriousness or complaint; they are alluded to simply to show that he had no agency or participation in maturing or presenting a bill, from the prominent provisions of which, he feels himself constrained to dissent, as manifestly unjust in principle and mischievous in tendency. In this report he does not propose minutely to examine the several details of the substitute reported by the majority, some of them under proper modifications would perhaps, be salutary and beneficial, others he regards as pernicious to the Banks themselves, and eminently unjust to the bill holder;

The 9th section of the bill provides for a new emission by the Banks which shall be redeemable in specie.

Had the bill proposed a general return to specie payments with any assurance of maintaining it, every patriot would have readily and heartily united in the accomplishment of an end so desirable, this however, is not proposed, the contemplated new emission only is provided for, and this too, at the expense of the old. The only available means for the redemption of a currency put into circulation by the State, and for the protection of which her faith is pledged is decited from its proper and legitimate application, and used exclusively for the redemption of another and a new issue by the same authority. Thus we shall have emanating from the same source, a redeemable and an irredeemable currency. Such a scheme is not only a novelty, but an anomaly in the principles of banking.

All the abuses to which the introduction of post notes, drafts, and similar expedients, have given rise, do not furnish an innovation so visionary, or so preposterously absurd.

A heavy and ruinous depreciation of our present currency, must be the necessary consequence of this new emission based upon a fund that ought in good faith to remain undisturbed, or at least to be bound alike for all the liabilities of the Banks.

The entire liabilities of the banks according to our late reports amounts to \$8,334,336—and their immediate available assets to \$3,036,075, showing a deficit of 5,298,310.

Of their immediate liabilities, their circulation forms a large and important



item, amounting to \$5,599,806.75—this circulation is now at a discount from ten to thirteen per cent. It is not only clear that the proposed withdrawal of so large a portion, and it the only available portion of the means that have been looked to for its redemption, must produce a still further and fatal depreciation, that will drive from circulation, the old emission and make it in a manner worthless to all except bank debtors, whilst on the other hand the general distrust in the ability of the banks to continue their resumption, and their demand for exchange will force back upon them their new issue as fast as emitted. The loss by the depreciation of our present currency falls upon the bill holders, whom the State is in good faith bound to protect. Will this Legislature do such an act of injustice to the creditors of the State? The only class of the community who will or can be benefitted by this provision of the bill, is the bank debtor, and the fortunate borrower of the new emission.

If the bill passes as reported by the majority, those whose indebtedness is not to the banks, might well afford to pay a considerable bonus to have it transferred to them, for the benefits of the bill will emphatically inure to the bank debtors, and future borrowers from the banks, whilst its provisions will prejudice every other interest.

Under the provisions of the bill, the proceeds of all paper, hereafter purchased by the banks, will be paid in the new emission, which being equal to specie, will be worth (unless the undersigned is greatly mistaken in his views) from 20 to 50 per cent more than the old emission, in which the borrower may pay his debt. Hence, instead of his paying an interest for the accommodation he has obtained, he will in reality have received a handsome premium on the operation; this will hold forth strong temptation for fraud and peculation between bank officers and bank favorites, followed by a new suspended debt and another commotion on the subject of bank frauds—finally ending in some unheard of, undreamed of scheme of banking; the whole failure of all which projects, must ultimately fall upon the unwary, unsuspecting and honest tax payer.

If the foregoing views are correct, it is very evident that the specious provisions of the 7th section of the majority's substitute, will be wholly illusory and nugatory. In view of the retiring of our State bonds, and the preservation and credit of the State, the importance of the subject seems to have so infatuated the fancy of the majority, that they lost sight of the adaptation of the means to the end.

It could not have been imagined by the framers of this section, that upon the suspended debt any other currency would be paid in than the depreciated old emission, the retiring of which by the latter clause of the 9th section, seems not to have been less an object with them, than the retiring of the bonds, for they then provide that as the notes now in circulation are paid in, they shall be cancelled and destroyed.

The idea of purchasing the bonds with a currency as depreciated in value as the bonds themselves, is not only visionary, but unique. The bonds bear an interest from 5 to 6 per cent. Our bank circulation bears no interest. Each depends for payment upon the assets of the banks, and upon the faith and credit of the State. How then can it be supposed that with the latter, depreciated even as it now is, we should be enabled to purchase the former? Will the State with its irredeemable bank paper, enter the stock market to buy up its bonds, due some years hence and renewable at pleasure? This is,

indeed, going forward to pay our debts before we are properly prepared therefor.

Admit that we could succeed by the funds set apart by the 7th section, in purchasing the State bonds—what will we have gained? We will have made a most suicidal purchase. We will, without having lessened its amount, have changed the character of our indebtedness and placed it in a far more unmanageable and onerous shape. We will, in lieu of an indebtedness due at long periods, have an indebtedness in the form of bank circulation, due on demand. So far from enabling the State to purchase its bonds, the project proposed will disable it from paying the semi annual interest due thereon.—The amount of specie and specie funds in all the banks at the last reports, was about \$1,500,000. Upon this they may emit double the amount, say 3,000,000 dollars, the banking profits upon which, admitting that under resumption they can keep up their amount of specie at what it now is, and keep out a circulation to the full extent allowed on that amount, their gross annual profits at the usual banking interest of 6 per cent. will be \$180,000. This sum, deducting nothing for the current expenses of the banks, or for contingencies of any kind, fall short of the annual interest on bonds \$420,000, to say nothing of the interest accruing on the University and other funds that form a part of our banking capital. It is therefore clearly manifest, that even if the banks were relieved from all the extraordinary burdens imposed upon them, that there must be a rapid exhaustion of their available means, attended with a necessary diminution of circulation and reduction of profits.

There is one other provision of the bill (contained in the 12th section) of which the undersigned will take brief notice. It is the change in the mode of electing directors for the several branch banks by a board of election composed of the Presidents of the branches, and the President and Directors of the mother banks, which board of election is to be elected by the legislature as heretofore. This change is at variance with the generally received and well settled maxim, that delegated power is more apt to be abused and corrupted than when the power is retained and exercised by the primary possessor. Such a change would concentrate to a focus in the election of this 'board of election,' all the corrupting influences of the whole banking system. Influences which heretofore have, no doubt in many instances, been thwarted from a want of concentration and unity of action. If it is unsafe to intrust the election of directors for the branch banks to the legislature, it is equally unsafe to confide such election to creatures of its own creation.

Differing so materially from the majority in their views and opinions, as to the true policy of the State in the future management of her banking institutions, and believing in the necessity of some action by the present session of the legislature, which will go to the gradual winding up of those institutions, ultimately ridding the State from the ruinous consequences of the entire system, the undersigned, with all proper and becoming deference to the opinion of the majority of the committee, and others who may entertain different views from himself, does most respectfully report to the House the accompanying bill, which is a true copy of the bill originally referred, amended by two additional sections (11 and 12) as therein shown, and would further recommend its passage.

R. JEMISON, Jr.

Mr. Jennison, on the part of the minority of the select committee to whom

had been referred a bill and amendments to place in liquidation the branch of the bank of the State of Alabama at Decatur, reported the same with amendment by way of two additional sections.

Mr. Clemens moved to postpone the report and the bill until the 3rd day of January, 1842, which was lost. Yeas 40, nays 46.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Land., Armbrister, Barker, Burleson, Clemens, Davis of L. Garland, Griffin of J. Haughton, Houston, James, Jones of M. Kennedy, King, marchbanks, B. mcAlpin, mcLeod, memillion of B. mcMillion of J. Moore, Morgan, Musgrove, Norman, Randolph, Reynolds, Rice, Rushing, Smith of J. Smith of L. Smith of T., Steele, Strode, Troup, Valliant, Walker of B. Walker of Law. Woodward, Wynn and Yancey.

Those who voted in the negative are, messrs. Alexander of Low., Allen, Barron, Bishop, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B. Ford, Gardner, Griffin of S. Hammond, Harris, Heflin, Hendricks, Henry, Henslee, Hunter, Jones of Con. Jones of Cov. Jefferson, Jemison, Justice, Kidd, Mason, R. C. mcAlpin, S. mcAlpin, mcLemore, Mitchell, Norris, Perkins, Phillips, Rodgers, Scott, Spruell, Storrs, Taylor, Wallace, Ware, Winston and Young.

Upon a question of order,

Mr. B. mcAlpin in the chair, decided that the bill reported by the minority of the committee, was out of order.

From which decision Mr. Jemison appealed.

The question was, shall the decision of the chair stand as the judgment of the House? and decided in the affirmative. Yeas 57, nays 27.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Land. Allen, Armbrister, Barker, Bishop, Burleson, Clemens, Davis of L. Garland, Griffin of J. Griffin of M. Hammond, Haughton, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Cov. Jones of M. Justice, Kennedy, King, marchbanks, R. C. mcAlpin, mcLeod, memillion of B. mcMillion of J. Moore, Moores, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J. Smith of L. Smith of T. Spruell, Steele, Strode, Taylor, Troup, Valliant, Walker of B. Walker of Law. Winston. Woodward, Wynn and Young.

Those who voted in the negative are, messrs. Alexander of Low. Barron, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Erwin, Ford, Gardner, Griffin of S. Harris, Heflin, Jones of Con. Jefferson, Jemison, Kidd, Mason, S. mcAlpin, mcLemore, Norris, Scott, Wallace, Ware.

Ordered that the joint examining committee on bank frauds, have leave to sit during the sessions of the House.

Mr. Jemison moved that this House concur in the report of the minority of the select committee, to whom was referred the bill and amendments to place in liquidation the Decatur bank.

Mr. B. mcAlpin in the chair, decided Mr. Jemison's motion to be out of order.

From which decision Mr. Jemison appealed.

Mr. Clemens moved to adjourn until 3 o'clock this afternoon, which was carried.

And then the House adjourned.

The House met pursuant to adjournment.

Ordered that Mr. Mundy have leave of absence for the remainder of the session.

Mr. Hogan made the following report:

The committee on the State bank and branches, to whom was referred, on the 2d instant, certain resolutions, which are hereto annexed, (marked A.) have had the same under consideration, and directed the chairman to transmit copies of the same to the bank of the State and its several branches, requesting immediate answers; which has been done and answers received.

The committee had said answers before it, and have instructed their chairman to report as follows—that in the report from the branch at Decatur, it appeared that no bond has been required from any attorney—that the sum of \$2,431,835 87, in notes and bills of exchange, have been put in suit, on which collections have been made to the amount of \$1,106,264 24, and that there still remains unpaid of the same \$1,325,571 63, and that no defalcation has occurred on the part of the attorneys; but the bank holds the receipts of M. W. Lindsay, late attorney, for the sum of \$12,708 04 in notes and bills, for which Mr. Lindsay has filed affidavits fully describing them; and states that they are either lost or mislaid, and are now the property of the bank; and that the bank has the receipt of Green P. Rice for three bills of exchange, amounting to \$9,400, which are said to be lost, and that no affidavit has been filed by Green P. Rice.

The committee beg leave to lay before the House, the letter of the President of that bank, together with the accompanying documents marked (B.), showing the balance unpaid on attorneys receipts.

The report at the branch bank at Huntsville shows that no bond has been required from the attorneys, and that no defalcation has occurred on the part of the attorneys of that bank. They beg leave to refer the House to that report marked (C.), for further particulars and explanations.

The president pro tem. of the branch at Mobile answers the 10th resolution by stating, that in 1837, John Gayle, esq. was elected bank attorney, and gave a bond of \$40,000, with Abner S. Lipscomb and John W. Owen, since deceased, as securities; that Gayle was recommended by John Briggs, who entered into bond for the same sum, with James Martin, William Jones, jr. W. R. Hallett as his securities. This letter is respectfully annexed, and marked (D).

In reply to a resolution asking information relative to F. Shaw & Co., the cashier replies, that in consequence of the bills purchased from that House having been protested in Liverpool for non-payment, the bank will lose \$18-463 25-100.

To the resolution inquiring in what amount did the late president, John B. Norris, give bond for the faithful discharge of his duties—see (E)—the cashier replies, that John B. Morris gave a bond in the penal sum of \$75,000, with Robert D. James and B. Boykin as securities; and that said bond is now in the hands of the cashier.

The cashier, in reply to another resolution, sends a written letter containing the opinion of the bank attorney, which we beg leave to annex, marked (F).

In reply to the resolution, asking from whom the bank purchased real or

personal property in payment of debts? we are furnished with the following reply, under date of the 15th instant:

"To furnish the whole of the information called for, would require much time and labor, and thereby, perhaps, not reach Tuscaloosa before the Legislature would adjourn; and as a large portion of the information called for has already been furnished the Senate, I beg leave, most respectfully, to refer the bank committee to the Senate, or the President thereof. Such, however, as was not furnished him, (the President of the Senate,) and contained in the present call, you will find annexed. See the report.

Signed, B. GAYLE, Cashier.

A statement of the property purchased accompanies this letter, and is respectfully submitted, (F).

By reference to the letter of the president pro tem. marked (D), as above, it will be seen that answers to the other resolutions will be made out as soon as possible.

In reply to the call on the branch at Montgomery, the president writes, that it shall be furnished; but it has not as yet been received. (T. F.)

The report of the State bank at this place is marked (G), and exhibits that the sum of \$3,678,557 96-100 has been put in suit by that bank; and that the sum of \$2,111,946 81-100 has been collected, as appears by attorney's receipts. See Recapitulation.

The letter of the President, marked (H), is also respectfully submitted, and makes a part of this report. From this letter, it appears that no defalcation has occurred, except in the single case of Constantine Perkins, esq. who died several years since, and whose bond has been placed in the hands of the present attorney, to effect, if possible, a settlement.

A copy of the minutes of the proceedings of the board of directors at different periods is respectfully annexed, marked (J).

As the report is very voluminous, to enable the House fully to understand the matter it contains, it will only be necessary to print the recapitulation, the president's letter and the minutes of the board.

The committee then ordered the chairman to report to the House the following resolutions, to wit:

*Resolved*, That the chairman report to the House, that the report of the cashier of the branch of the bank of the State of Alabama at Mobile, in reply to certain resolutions asking for information on the subject of real and personal property purchased by said bank, is unsatisfactory and evasive, and not such as the House asked for in its resolution of December 2d; and that nothing definite can be learned from that report in relation that portion of the bank business upon which information was asked.

*Resolved, further*, That our banking institutions demand that so unsatisfactory and evasive answers to the enquiries or calls of this House, should not be permitted to fall unnoticed.

All of which is respectfully submitted.

JOHN B. HOGAN,

Chairman of the committee on the State bank and branches.

December, 23, 1841.

The chairman, on behalf of an excellent officer and constituent, addressed a letter to B. Boykin, esq. and the three directors now here, asking for the information omitted in the report of B. Gayle, esq. cashier; which letter, and

the answers of a majority of the board now in this city, he begs leave to add to this report, as it will make the cashier's report complete. Marked (K).

JOHN B. HOGAN,

Chairman of the committee, &c.

Ordered that said report lie on the table, and that 150 copies of said report, with such of the accompanying documents as the chairman of the committee may select, be printed.

Mr James, from the committee of ways and means, reported a bill making appropriations for the payment of members of the General Assembly and of officers of the two Houses; which was read the first and second times forthwith, and the rule being suspended, was read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr James, from the same committee, reported a bill making appropriations for the year 1842; which was read the first and second times forthwith.

Mr Bishop moved to lay the bill upon the table; which was carried.

A message from the Senate by Mr Clitherall:

*Mr Speaker*—The Senate concurs in the resolution of the House of Representatives proposing to go into the election of comptroller of public accounts, State printer, State treasurer, and a board of physicians for the town of Florence, on Thursday, the 23d instant, at 4 o'clock, P. M.; and have amended the same by striking out "State printer" and "a board of physicians for the town of Florence."

In which the concurrence of your honorable body is most respectfully asked.

Mr Clemens moved that the House disagree to the amendments made by the Senate to the resolution to go into the election of Comptroller and treasurer, State printer and board of physicians for the town of Florence.

Mr Jemison called the previous question.

Mr Clemens moved to adjourn until to-morrow morning half past nine o'clock; which was lost. Yeas 12, nays 70.

Those who voted the affirmative, are Messrs. Chiles, Clemens, Kidd, R. C. McAlpin, McLemore, Mitchell, Musgrove, Perkins, Reynolds, Steel, Wynn and Young.

Those who voted in the negative, are Messrs. Speaker, Alexander of Loud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Broughton, Burleson, Cain, Crenshaw, Davenport, Davis of B., Davis of L., Erwin, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, James, Jones of Con., Jones of Cov., Jones of M., Jefferson, Jemison, Justice, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Morre, Moors, Norman, Norris, Phillips, Randolph, Rogers, Rushing, Scott, Smith of J. Smith of T. Storrs, Taylor, Troup, Valliant, Walker of L. Wallace, Ware, Winston, Woodward and Yancey.

The question occurred on Mr. Jemison's call for the previous question, which was not sustained, yeas 27, nays 47.

Those who voted in the affirmative are, messrs Alexander of Low. Barker, Davis of L. Hogan, Houston, James, Jones of M. Jefferson, Marchbanks,



Mason, B. McAlpin, Memillion of J. Norman, Phillips, Randolph, Reynolds, Rice, Rushing, Smith of J. Smith of L. Steel, Taylor, Walker of L. Ware, Winston, Woodward and Wynn.

Those who voted in the negative, are Messrs. Speaker, Alexander of Land. Allen, Armbrister, Barron, Bishop, Broughton, Burleson, Cain, Chiles, Clemens, Crenshaw, Davis of B. Fletcher, Gardner, Gresham, Griffin of M. Griffin of J. Griffin of S. Hammond, Haughton, Hendricks, Henslee, Jones of Con. Jones of Cov. Jemison, Justice, Kidd, S. McAlpin, McLemore, McLeod, Memillion of B. Mitchell, Moors, Moore, Perkins, Rogers, Smith of T. Spruell, Storrs, Valliant, and Yancey.

Mr. Davis of L. then moved that the House disagree to the amendments made by the Senate, to the resolution, which was carried, yeas 36, nays 34.

Those who voted in the affirmative are Messrs Speaker, Alexander of Low. Armbrister, Bishop, Chiles, Clemens, Crenshaw, Davenport, Davis of B. Davis of L. Erwin, Ford, Gresham, Griffin of M. Griffin of S. Hammond, Hefflin, Henslee, Hunter, Jones of Cov. Kidd, R. C. McAlpin, S. McAlpin, McLemore, Memillion of B. Mitchell, Moors, Musgrove, Perkins, Rice, Rogers, Smith of J. Smith of T. Ware, Winston, Yancey and Young.

Those who voted in the negative are messrs Allen, Barron, Broughton, Cain, Gardner, Griffin of J. Haughton, Hogan, Houston, Hunter, James, Jones of M. Jefferson, Jemison, Justice, Marchbanks, Mason, B. McAlpin, Memillion of J. Moors Norman, Norris, Phillips, Randolph, Reynolds, Rushing, Smith of L. Spruell, Storrs, Taylor, Troup, Valliant, Woodward and Wynn.

Mr. Norris moved to suspend the orders of the day, for the purpose of taking from the table the resolution from the Senate, proposing to adjourn, *sine die*, on the 25th inst.

Mr. Ware moved the previous question, which was sustained, ayes 39, nays 27.

The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs. Alexander of Low. Allen, Barron, Broughton, Clemens, Davenport, Davis of L. Ford, Gardner, Griffin of M. Hefflin, Henslee, Houston, Hunter, James, Jones of M. Jefferson, Justice, Marchbanks, Mason, Memillion of B. Moore, Musgrove, Phillips, Randolph, Reynolds, Rushing, Scott, Smith of L. Spruell, Steel, Storrs, Stinson, Troup, Wallace, Ware, Winston, Wynn, and Yancey.

Those who voted in the negative were. messrs Speaker. Alexander of L. Armbrister, Bishop, Bradley, Chiles, Crenshaw, Davis of B. Erwin, Gresham, Griffin of J. Griffin of S. Hammond, Harris, Henry, Jones of Con. Jones of Cov. Kennedy, Kidd, King, B. McAlpin, R. C. McAlpin, Memillion of J. Mitchell, Moors, Norman, Perkins, Rice, Rogers, Smith of J. Smith of T. Taylor, Valliant, Walker of B. Woodward and Young.

The question then recurred on Mr. Norris' motion to take up the resolution and carried, yeas 49, nays 30.

Those who voted in the affirmative are, Messrs. Alexander of Low., Barron, Bradley, Broughton, Cain, Chiles, Clemens, Crenshaw, Davenport, Davis of L. Erwin, Ford, Gardner, Griffin of M. Harris, Haughton, Hefflin, Henslee, Houston, Hunter, James, Jones of Marshall, Jefferson, Justice, Marchbanks, Mason, McAlpin, McLemore, Memillion of B. Mitchell, Moore,



Moors, Musgrove, Norris, Randolph, Reynolds, Rogers, Rushing, Scott, Smith of L. Spruell, Steele, Storrs, Taylor, Wallace, Ware, Winston, Wynn, and Young.

Those who voted in the negative are messrs Speaker, Alexander of Laud, Armbrister, Bishop, Davis of B. Gresham, Griffin of J., Griffin of S., Hammond, Hendricks, Henry, Jones of Con, Jones of Cov. Jemison, Kennedy, Kidd, King, B. McAlpin, R. C. McAlpin, Memillion of J. Norman, Phillips, Perkins, Rice, Smith of J. Smith of T. Troup, Valliant, and Walker of B.

Mr. B. McAlpin moved to adjourn until half past 6 o'clock, this evening, which was carried.

And then the House adjourned.

NIGHT SESSION, half past 6 o'clock.

Mr. Clemens moved a call of the House, when the following members appeared and answered to their names :

messrs. Speaker, Alexander of Low, Allen, Armbrister, Barron, Bishop, Bradley, Chiles Gresham, Crawford, Davenport, Davis of B. Davis of L. Erwin, Ford, Gresham, Griffin of M. Griffin of S. Harris, Heflin, James, Jefferson, Justice, Kennedy, King, Mason, McAllister, B. McAlpin, McLe-more, memillion of B. memillien of J. mitchell. moore, moors, musgrove, Phillips, Randolph, Rice, Rhodes, Rogers, Scott, Smith of T. Spruell, Storrs, Taylor, Troup, Walker of B. Winston, Woodward, and Yancey.

Bills of the following titles :

An act to incorporate the Tallapoosa Lyceum.

An act to divorce Araminta D. Stone from her husband Charles Stone, and change the name of said Araminta D. Stone, to Araminta Dormer Lofton,

An act to authorize the school commissioners therein named to build a school house.

An act to repeal in part an act therein named.

An act to authorize Wm. N. Thompson and others to build mills on the Coesa river.

An act to divorce Eveline M. Whetstone from her husband Evans L. Whetstone.

An act to divorce Eliza Essman from Benjamin Essman.

An act to divorce Wilson Etman from his wife Sarah Etman.

An act to divorce Jane Johnson from Henry Johnson.

An act to incorporate the town of Crockettville, in the County of Russell.

An act to appoint an additional Court House Commissioners in the County of Russell, and for other purposes.

An act to consolidate township 15, range 30 and 31, in Russell county.

An act to authorize the election of assessor and tax collector for Russell county, and for other purposes, and

An act to authorize the clerk of the Circuit Court of Randolph county, to record in his office, deeds of conveyance, acknowledged or proven before him

Were severally read the second time, and the rule being suspended, they were read the third time forthwith, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Bills from the Senate of the following titles, to wit :

An act to compensate Robert Nelson.

An act authorizing the Commissioners Court of Talladega County, to levy a tax for certain purposes.

An act to incorporate the town of Vienna, in the county of Pickens.

An act to appoint Commissioners to build a Jail, in the County of Shelby, and for other purposes.

Were severally read the second time, considered as engrossed and passed.

Ordered that the title be aforesaid.

Ordered that the Clerk acquaint the Senate therewith.

The Engrossed Bill to divide the 71st Regiment of Alabama militia, in the County of Randolph, and create an additional Regiment, and provide for the organization of the same, was read the second time, and the rule being suspended, it was read the third time and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill for the relief of school commissioners of township 20, range 11, in the County of Randolph, was read the second time.

Mr. Clemens moved to lay the bill upon the table which was carried.

The bill from the Senate to establish jury trials in Justice's Courts, in certain counties in this State, and to regulate the proceedings therein, was read the second time.

Mr. S. McAlpin moved to lay the Bill on the table, which was lost, yeas 23, nays 39.

Those who voted in the affirmative are, messrs. Barron, Bradley, Broughton, Chiles, Clemens, Crawford, Davenport, Davis of B., Erwin, Ford, Griffin of S., Haughton, James, S. McAlpin, Mitchell, Moore, Moors, Norris, Smith of T. Storrs, Ware, Woodward, and Wynn.

Those who voted the negative are, messrs Speaker, Alexander of Low. Allen, Armbrister, Bishop, Crenshaw, Davis of L. Gresham, Griffin of J. Griffin of m. Hammond, Harris, Heflin, Hendricks, Henslee, Jones of Con. Jones of Cov. Jefferson, Justice, Kidd, King, Marchbanks, Mason, B. McAlpin, McLemore, Mcmillion of B. Mcmillion of J. Musgrove, Phillips, Randolph, Rice, Rogers, Stinson, Taylor, Troup, Walker of B. Walker of L. Wallace and Winston.

Mr Clemens moved to amend the bill by inserting the counties of Autauga, Marshall, Talladega, Dale and Coffee; which was adopted; and the bill read a third time.

Mr Crawford moved to amend the bill by way of engrossed rider; which was adopted.

The question was then on the passage of the bill, and decided in the affirmative. Yeas 38, nays 24.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Allen, Armbrister, Bishop, Crenshaw, Crawford, Davenport, Erwin, Gresham, Griffin of J. Griffin of m. Hammond, Harris, Heflin, Hendricks, Henslee, James, Jones of Con. Jones of Cov. Jefferson, Justice, Kidd, King, Mason, B. Mcalpin, McLemore, Mcmillion of B. Mcmillion of J. Phillips, Rice, Rogers, Rushing, Spruell, Storrs, Taylor, Walker of B. Walker of L. Wallace and Winston.

Those who voted in the negative are, messrs Speaker, Alexander of Low. Barron, Bradley, Chiles, Clemens, Davis of B. Davis of L. Ford, Griffin of S. Haughton, Marchbanks, S. McAlpin, Mitchell, Moore, Moores, Musgrove, Norris, Randolph, Smith of T. Ware, Woodward and Wynn.

Joint resolutions for the relief of Dillard S. Payne and others, were read the second time.

mr Rushing moved to amend the resolutions by way of proviso; which was adopted.

The resolutions were then read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill to extend the time of holding the circuit courts of the counties of Tallapoosa and Chambers, and to change the time of holding the circuit courts of the counties of Russell and Macon, were read the second time.

mr Phillips moved to lay the bill on the table; which was carried.

mr Griffin of Marshall, moved a call of the roll, when the following members answered to their names:

messrs Alexander of Laud. Armbrister, Broughton, Burleson, Cain, Chiles, Cochran, Covington, Davenport, Fletcher, Gardner, Griffin of J. Hammond, Hogan, Houston, Hunter, Jones of Con. Jones of Cov. Jones of m. Jemison, Kennedy, Kidd, King, R. C. McAlpin, McLeod, Mcmillion of B. Moores, Morgan, Norman, Perkins, Reynolds, Rushing, Scott, Smith of H. Smith of J. Smith of L. Smith of T. Steele, Storrs, Strode, Woodward and Young.

On motion, the House then adjourned until half past nine o'clock to-morrow morning.

FRIDAY, December 24, 1841.

The House met pursuant to adjournment.

mr B. McAlpin moved to amend the journal of yesterday morning by inserting the words "report and" before the word "bill"; which was adopted. Yeas 56, nays 7.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud. Allen, Armbrister, Barker, Barron, Bishop, Broughton, Cain, Clemens, Creunshaw, Davis of L. Erwin, Ford, Gardner, Garland, Griffin of J. Griffin of m. Griffin of S. Hammond, Haughton, Heflin, Hendricks, Henslee, Houston, Hunter, James, Jones of Con. Jones of m. Jefferson, Justice, Marchbanks, B. Mcalpin, R. C. McAlpin, Mcmillion of B. Mcmillion of J. Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rogers, Rushing, Scott, Smith of J. Smith of L. Steele, Storrs, Strode, Taylor, Troup, Valiant, Winston and Wynn.

Those who voted in the negative are, messrs Bradley, Chiles, Davenport, Davis of B. Jemison, Norris, Smith of T. Wallace and Ware.

A message from the Senate by mr Clitherall:

*Mr Speaker*—The Senate has passed bills from the House of Representatives of the following titles:

An act to better regulate the elections of president and directors of the State bank and its several branches, and have amended the same as therein shewn.

An act to create a certain county therein named, and for other purposes, and have amended the same as therein shewn.

An act to incorporate the Tallapoosa manufacturing company, and have amended the same as therein shewn.

Joint resolutions for the survey of the county of Cherokee, and for other purposes.

The Senate has also originated and passed a bill to be entitled an act authorizing a special term of the chancery court for the second district of the southern division, at Clayton.

In all of which the concurrence of your honorable body is respectfully asked.

Mr Clemens moved that the absentees of last evening be excused; which was carried.

Mr Smith of Tuscaloosa, made the following protest:

Mr Smith of Tuscaloosa, begs leave to enter upon the journal the following as an explanation of his vote upon a motion to postpone the minority report presented by Mr Jemison, from the select committee on the Decatur bank, on the 23d instant.

The motion to postpone was understood by me to be applicable to the bill which accompanied the report, and which was not, as decided by the chair, a part of the report. I intended to vote to postpone the bill, being opposed to it, and did not suppose that my vote would be to postpone the bill and report together. This explanation is thought to be necessary, because, by the vote of the House on this day, the journal of yesterday, on the subject referred to, has been amended, so as to include in the motion to postpone, both the bill and the report. I desired the bill to take its usual course, to be entered upon the journal, merely as an expression of the person offering such document.

Signed, SMITH, of Tuscaloosa.

The House then resumed the consideration of the bill to authorize and require the board of trustees of the University of Alabama to refund money in certain cases.

Mr Jemison moved the indefinite postponement of the bill; which was carried. Yeas 54, nays 22.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Low. Allen, Armbrister, Barron, Bishop, Bradley, Broughton, Cain, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of B. Ford, Gardner, Gresham, Griffin of J. Griffin of M. Griffin of S. Harris, Haughton, Hendricks, Henslee, Jones of Con. Jones of Cov. Jones of M. Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, S. McAlpin, Mitchell, Moore, Moores, Norris, Perkins, Randolph, Rice, Smith of J. Smith of L. Spruell, Steele, Storrs, Valliant, Wallace, Ware and Wynn.

Those who voted in the negative are, messrs Alexander of Laud. Barker, Davis of L. Erwin, Garland, Hammond, Heflin, Hogan, Houston, James, Kidd, B. McAlpin, Mcmillion of J. Norman, Phillips, Reynolds, Rogers, Rushing, Taylor, Troup, Walker of L. Winston and Woodward.

Mr S. McAlpin introduced a bill to impose an additional tax on auction sales of goods, wares and merchandize in the city of Mobile; which was read the first and second times forthwith, and ordered to be engrossed for a third reading on to-morrow.

Mr Moores introduced a bill to authorize A. Q. Kidd, Benj. C. Gay, and their associates, to erect a wharf on the Tombeckbee river in the town of De-

opolis, Marengo county; which was read the first and second times forthwith, and ordered to be engrossed for a third reading on tomorrow.

mr Moores introduced a bill to authorize W. H. Lyon, Gottert Bratling, and their associates, to erect a wharf on the Tombeckee river in the town of Demopolis, Marengo county; which was read the first and second times forthwith, and ordered to be engrossed for a third reading on to-morrow.

mr Spruell introduced a bill to revive an act therein named, and for other purposes; which was read the first and second times forthwith, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

mr Griffin of Shelby, introduced a bill to limit the power to appropriate money out of the treasury of this State for books, stationery, &c. for the registers in chancery in this State; which was read the first and second times forthwith, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

mr Storrs introduced a bill to consolidate the male and female academies of the town of Irwinton, Barbour county, into one body corporate; which was read the first and second times forthwith, and the rule being suspended, was read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

mr Mitchell introduced a bill to change the name of a certain person therein mentioned; which was read the first and second times forthwith, and the rule being suspended, it was read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

mr Gresham introduced a bill to prevent writs of error being taken in civil cases without authority; which was read the first and second times forthwith, and referred to the committee on the judiciary.

mr Mason introduced a bill in relation to the 16th section, township eleven, of range 9, in the county of Wilcox.

mr Mason introduced a bill to incorporate the town of Camden, in the county of Wilcox.

Which were severally read the first and second times forthwith, and the rule being suspended, they were read the third time considered as engrossed, and passed.

Ordered that the titles be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

mr Mitchell made the following report:

The committee on enrolled bills have examined, and find correctly enrolled:

An act in relation to 16th section, township 10, range 5. Also the 16th section of township 11, in range 11, in the county of Wilcox.

An act to fix permanently the time for the trial of all offences against the State in the county of Wilcox.

An act for the relief of Haley G. Jenkins and David Covington.

And, an act compensating losses occasioned by pressing a horse in the Creek service.

The House then resumed the consideration of the bill to regulate the banking system of the State of Alabama.

The question was on mr. *Jemison's* motion to strike out the 4th section of the bill, which was carried.

Upon a question of order,

mr. *Clemens* in the chair, decided that after the adoption of a substitute for an original bill on its second reading, the substitute would be in the same situation as the original bill and open for amendment.

From which decision mr. *Mitchell* appealed, and the chair was sustained.

mr. *Erwin* moved to amend the bill by striking out the 1st section and inserting in lieu thereof, the following :

"That from and after the 1st day of *March* next, the bank of the State of Alabama and the several branches thereof, shall confine their operations exclusively to bills of exchange and business paper. Provided, that none of the banks shall be allowed to purchase any bill of exchange having longer than 10 months to run, or for a larger amount than five thousand dollars, except the branch bank at *Mobile*, which may purchase bills of the amount of ten thousand dollars ; and, provided further, that none of the banks shall discount any business paper for a longer time than ninety days, except in the months of *October*, *November*, *December*, *January*, *February* and *March*, during which months they may discount at one hundred and twenty days.

A division of the question being called for, the question was first taken on striking out the 1st section, and carried—yeas 50, nays 27.

The yeas and nays being demanded, those who voted in the affirmative are messrs. *Alexander of Low*, *Barron*, *Bishop*, *Bradley*, *Broughton*, *Cain*, *Chiles*, *Crenshaw*, *Crawford*, *Davis of B.* *Davis of L.* *Erwin*, *Ford*, *Gardner*, *Garland*, *Griffin of J.* *Griffin of M.* *Griffin of S.* *Hammond*, *Harris*, *Heflin*, *Hendricks*, *Henry*, *Henslee*, *Hogan*, *Houston*, *Jones of Con.* *Jones of Cov.* *Jefferson*, *Jemison*, *Justice*, *Marchbanks*, *Mason*, *P. C. McAlpin*, *McMillion of J.*, *Mitchell*, *Moors*, *Norris*, *Perkins*, *Rodgers*, *Rushing*, *Scott*, *Smith of T.* *Storrs*, *Taylor*, *Walker of B.* *Wallace*, *Ware*, *Winston* and *Woodward*.

Those who voted in the negative are, messrs. *Speaker*, *Alexander of Land.* *Allen*, *Armbrister*, *Barker*, *Clemens*, *Davenport*, *Haughton*, *James*, *Jones of M.* *Kennedy*, *King*, *B. McAlpin*, *Moore*, *Morgan*, *Musgrove*, *Norman*, *Phillips*, *Randolph*, *Reynolds*, *Rice*, *Smith of J.* *Smith of L.* *Steele*, *Troup*, *Valliant* and *Wynn*.

The question then recurred on the adoption of mr. *Erwin's* amendment and carried—yeas 43, nays 32.

The yeas and nays being demanded, those who voted in the affirmative are messrs. *Alexander of Low*, *Allen*, *Bishop*, *Bradley*, *Broughton*, *Cain*, *Chiles*, *Clemens*, *Crenshaw*, *Crawford*, *Davenport*, *Davis of B.* *Davis of L.* *Erwin*, *Gardner*, *Griffin of J.* *Griffin of M.* *Griffin of S.* *Harris*, *Heflin*, *Henry*, *Hogan*, *Houston*, *James*, *Jones of Con.* *Jones of Cov.* *Jefferson*, *Justice*, *King*, *Marchbanks*, *Mason*, *McMillion of J.* *Moore*, *Norris*, *Reynolds*, *Rushing*, *Scott*, *Storrs*, *Taylor*, *Walker of B.* *Wallace*, *Ware* and *Woodward*.

Those who voted in the negative are, messrs. *Speaker*, *Alexander of Land.* *Armbrister*, *Barker*, *Barron*, *Garland*, *Hammond*, *Haughton*, *Hendricks*, *Henslee*, *Jones of M.* *Jemison*, *Kennedy*, *B. McAlpin*, *R. C. McAlpin*, *S. McAlpin*, *Mitchell*, *Morgan*, *Musgrove*, *Norman*, *Perkins*, *Phillips*, *Randolph*, *Rice*, *Rodgers*, *Smith of J.* *Smith of L.* *Steele*, *Troup*, *Valliant*, *Winston* and *Wynn*.

Mr. Perkins moved to amend the bill by way of the following proviso, to come in at the end of the 1st section :

"Provided, that nothing in this section shall be so construed as to prevent the discounting of three hundred thousand dollars on accommodation paper, by each bank in each year, with the present currency and subject to be paid in the same, which was lost—yeas 30, nays 45.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Low., Barron, Bishop, Bradley, Broughton, Cain, Crawford, Davis of B., Gardner, Gresham, Griffin of S. Heflin, Henry, Hogan, Jefferson, Jemison, Justice, Marchbanks, S. McAlpin, McLeMore, McMillion of J. Mitchell, Musgrove, Perkins, Reynolds, Scott, Storrs, Taylor, Wallace and Woodward.

Those who voted in the negative are messrs. Speaker, Alexander of L. Allen, Armbrister, Barker, Clemens, Crenshaw, Davenport, Davis of L. Erwin, Garland, Griffin of J. Griffin of M. Hammond, Harris, Houghton, Hendricks, Henslee, Houston, James, Jones of Con. Jones of Cov. Jones of M., King, Mason, B. McAlpin, R. C. McAlpin, Moore, Morgan, Norman, Norris, Phillips, Randolph, Rice, Rogers, Rushing, Smith of J. Smith of L. Steele, Troup, Valliant, Walker of B. Ware, Winston and Wynn.

Mr. Norris moved to amend the bill by proviso, as follows :

"Provided, that the banks shall not purchase bills, or discount business paper, made by those who are indebted either directly or indirectly, to the State bank or any of its branches,"—which was lost.

Mr. Norris moved further to amend the bill by proviso, as follows :

And provided further, that the banks shall not purchase bills or discount business paper made by those who are indebted to the State bank or any of its branches, either directly or indirectly, more than two thousand dollars—which was lost.

Mr. Garland moved to amend the 1st section of the bill by adding thereto the words, "or for a larger amount than two thousand dollars, and further banking privileges shall be divided to all persons who may now owe two thousand dollars in bank by note, until the same is paid, provided that all notes and bills of exchange shall be paid when due, without defalcation"—which was lost.

Mr. Erwin moved to amend the bill by striking out the second section thereof.

And then the House adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION, 3 o'clock, p. m.

The House met pursuant to adjournment.

Mr. Davenport moved to suspend the orders of the day, for the purpose of taking up the resolution from the Senate proposing to adjourn, which was carried.

Mr. Norris moved to fill the blank with '29th' inst.

Mr. Winston moved to fill it with '31st' inst., which was carried—yeas 86 nays 8.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Cain, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of L. Erwin, Ford, Gardner, Garland, Gresham, Griffin of M. Hammond, Heflin, Henslee, Houston, James, Jones of Cov. Jones of M. Jeffer



son, Justice, Kidd, King, Marchbanks, Mason, B. mcAlpin, S. mcAlpin, McLemore, mcMillion of B. mcMillion of J. Mitchell, Moore, Morgan, Musgrove, Norris, Phillips, Randolph, Reynolds, Rodgers, Rushing, Scott, Smith of J. Smith of L. Spruell, Steele, Storrs, Taylor, Troup, Valliant, Walker of Benton, Walker of Law. Wallace, Ware, Winston, Woodward, Wynn and Young.

Those who voted in the negative are, messrs. Davis of B. Griffin of J. Hendricks, Hogan, Jemison, Kennedy, Norman and Rice.

Mr. Jemison moved to suspend the orders of the day, to take up the minority report and bill in relation to the branch bank at Decatur, which was lost—yeas 21, nays 48.

The yeas and nays being demanded,

Those who voted in the affirmative, are messrs. Alexander of Low. Barron, Cain, Chiles, Crenshaw, Davis of B. Erwin, Ford, Gardner, Jemison, Justice, mason, S. mcAlpin, McLemore, Mitchell, Norris, Scott, Spruell, Storrs, Wallace and Ware.

Those who voted in the negative are, messrs. Speaker, Alexander of Laud. Allen, Armbrister, Bishop, Clemens, Davenport, Davis of L. Garland, Griffin of J. Hammond, Harris, Haughton, Heflin, Henslee, Hogan, Houston, James, Jones of Cov. Jones of M. Jefferson. Kennedy, Kidd, King, marchbanks, mcAlister, Memillion of J. Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rogers, Rushing, Smith of J. Smith of L. Steele, Taylor, Troup, Valliant, Walker of B. Walker of Law. Winston, Woodward and Wynn.

Mr. Erwin asked leave to withdraw his motion to strike out the 2d section of the bill regulating the banking system of the State of Alabama, which was granted.

A message from the Senate by Mr. Clitherall :

Mr. Speaker: The Senate has originated and passed the accompanying "joint memorial and resolutions of the Senate and House of Representatives, as to the distributive portion of the public lands.

An act for the relief of Joshua Shamberger of Sumter county.

The Senate has also passed the following bill from the House of Representatives

An act to regulate the compensation of witnesses and jurors in the county of Clarke.

In all of which the concurrence of the House of Representatives is respectfully asked.

Mr. Davenport moved to amend the bill under consideration by way of the following proviso :

" Provided, that all debts now due upon the extended debt, whether under protest or in suit, may be removed by the payment of 10 per cent. annually and interest, and the debtor, if required, securing to the bank the remainder, with such additional security as may be approved by the board, which security may be augmented at any time said board may deem necessary, which was lost—yeas 22, nays 47.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Barker, Barron, Cain, Clemens, Davenport, Ford, Griffin of J. Griffin of M. Houston, James, King, B. mcAlpin, Memillion of J. moore, musgrove, Norman, Randolph, Reynolds, Rushing, Smith of J. Steele and Wynn.

Those who voted in the negative, are messrs. Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Bishop, Cochran, Crenshaw, Davis of B. Davis of L., Erwin, Gardner, Garland, Griffin of S. Hammond, Haughton, Heflin, Hendricks, Henry, Hogan, Jones of Con. Jones of M. Jefferson, Jemison, Justice, Kennedy, Marchbanks, Mason, S. McAlpin, Mitchell, Moors, Norris, Phillips, Rice, Rogers, Scott, Smith of L. Spruell Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Ware, Winston and Woodward.

Mr. Hogan moved to amend the 6th section of the bill by adding the words except the Mobile branch bank," which was lost.

Mr. Winston moved to amend the bill by striking out the 8th section, which was lost.

Mr. Jemison moved to amend it by striking out the 9th section, which was carried—yeas 39, nays 37.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Low. Allen, Armbrister, Barker, Barron, Broughton, Chiles, Crenshaw, Davenport, Davis of B. Erwin, Ford, Gardner, Griffin of M. Griffin of S. Heflin, Hendricks, Henry, Henslee, Hunter, Jefferson, Jemison, Justice, Kidd, Mason, McMillion of B. McMillion of J. Moors, Morgan, Musgrove, Norris, Rodgers, Scott, Spruell, Walker of B. Walker of Law. Wallace, Winston and Wynn.

Those who voted in the negative are, messrs. Alexander of Laud. Bishop, Cain, Clemens, Davis of L. Garland, Griffin of J. Hammond, Harris, Haughton, Hogan, Houston, James, Jones of Con. Jones of Cov. Jones of M. Kennedy, King, Marchbanks, B. McAlpin, S. McAlpin, Moore, Morgan, Norman, Phillips, Randolph, Reynolds, Rice, Rushing, Smith of J., Smith of L., Steele, Taylor, Troup, Valliant, Ware and Woodward.

Mr. Hogan moved to amend the bill by way of an additional section to come in after the 9th section, as follows :

And be it further enacted, that all persons hereafter elected President or directors of any bank, or branch bank, in this State, shall before he enters on the duties of the same, enter into bond, viz: the President in the penal sum of one hundred thousand dollars; and that of director in the sum of fifty thousand dollars, for the faithful discharge, according to law, of the duties of said office to which he may be elected; and said bonds shall be approved of by the Judge of the circuit or county court, in which said bank may be located; it shall then be the duty of the President of the bank to have said bonds recorded in the county court of said county, and then forwarded to the office of the Comptroller of the State, where they shall be carefully preserved,"—which was adopted. Yeas 52, nays 19.

The yeas and nays being demanded,

Those who voted in the affirmative were, messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Bishop, Cain, Crenshaw, Davis of B. Erwin, Ford, Garland, Gresham, Griffin of J. Griffin of S. Harris, Haughton, Hendricks, Henry, Henslee, Hogan, Hunter, Jones of Con. Jones of Cov. Jones of M. Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, S. McAlpin, McLehere, McMillion of J. Mitchell, Musgrove, Norris, Rogers, Rushing Scott, Smith of J. Smith of L. Spruell, Storrs, Taylor, Walker of B. Walker of L. Wallace, Ware, Winston and Woodward.

Those who voted in the negative are, messrs Chiles, Clemens, Davenport, Davis of L. Griffin of M. Hammond, Heflin, James, B. McAlpin, Mc-

million of **B. Moores, Norman, Phillips, Randolph, Reynolds, Rice, Steele, Troup, Valliant and Wynn.**

**Mr Walker of Lawrence,** gave notice that he would move a re-consideration of the vote just taken on striking out the 9th section.

And then the House adjourned until half-past six o'clock this evening.

**EVENING SESSION, half past 6 o'clock.**

The House met pursuant to adjournment.

Bills of the following titles:

An act to restrain excessive taxation for county purposes in the county of Tallapoosa.

An act for the relief of the commissioners of section 16, township 10, range 5, in the county of Wilcox.

An act to divorce Elizabeth Steelman from her husband, William Steelman.

And an act to authorize Benjamin Thally, of the county of Walker, to erect a mill dam across Lost creek, in the county of Walker.

Were severally read the second time, and the rule being suspended, they were read the third time, considered as engrossed, and passed.

Ordered that the titles be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill from the Senate to amend an act to incorporate the Tuscaloosa guards, was read the second time, and referred to the delegation from Tuscaloosa county.

The bill to compensate James G. Blount, was read the second time, and the question being on ordering it to a third reading, it was lost.

The bill from the Senate to alter the 1st and 10th judicial circuits, and for other purposes, was read the second time, and referred to the delegation from the counties composing the circuits.

The bill to compensate certain persons therein named, was read the second time, and referred to the committee on education.

The bill from the Senate to incorporate the Stockton steamboat and warehouse company, was read the second time, and the rule being suspended, it was read the third time, and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles:

An act to amend an act entitled an act for the government of the port and harbor of Mobile, approved December 23, 1822; and

An act to amend the charter of the Alabama life insurance and trust company of Mobile;

Were read the second time, and referred to the delegation from Mobile county.

The bill to define the fees of the judge of the county court of Mobile, was read the second time, and referred to the delegation from Mobile county.

The engrossed bill to pay claims therein mentioned, was read the third time.

**Mr Crenshaw** moved to amend it by way of rider; which was adopted.

**Mr Scott** moved to amend **Mr Crenshaw's** amendment by way of rider; which was adopted.

The amendment as amended was then adopted.

mr McLemore moved to amend it by way of ryder; which was adopted.

mr Jemison moved to amend it by way of ryder; which was adopted.

mr S. McAlpin moved to amend it by way of ryder; which was adopted.

mr Norris moved to postpone the bill and amendments until to-morrow, and make it the special order of the day at 12 o'clock; which was lost. Yeas 21, nays 42.

The yeas and nays being demanded.

Those who voted in the affirmative are, messrs Alexander of Laud, Allen, Armbrister, Bishop, Bradley, Chiles, Ford, Garland, Griffin of J. Griffin of M. Hammond, Heflin, Hendricks, Marchbanks, Norris, Randolph, Smith of J. Walker of B. Ware, Winston and Young.

Those who voted in the negative are, messrs Speaker, Alexander of Low, Barron, Broughton, Cain, Crenshaw, Davis of L. Erwin, Gresham, Harris, Haughton, James, Jones of Con. Jones of m. Jefferson, Jemison Justice, Kidd, King, Mason, B. McAlpin, S. McAlpin, McLemore, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Musgrove, Norman, Perkins, Phillips, Rice, Rushing, Scott, Smith of L. Steele, Storrs, Taylor, Troup, Valliant, Walker of L. Wallace, Woodward and Wynn.

The bill passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

The bill for the relief of Drusilla McDow, was read the second time.

mr Hendricks moved to amend the bill by way of additional section; which was carried.

The rule was then suspended, the bill was read the third time, considered as engrossed, and passed.

The title amended by adding, "and Elizabeth Woodley.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

mr Davis of Limestone, moved to adjourn until to-morrow at 9 o'clock, A. M.; which was lost.

Mr. Crenshaw moved to take up the message from the Senate, which was carried.

The engrossed bill to levy a special tax for Autauga County, and for other purposes.

Ordered that the House concur in the amendment of the Senate.

Ordered that the Clerk acquaint the Senate therewith.

The bill from the Senate for the relief of William B. H. Howard, Edmund Gaillard of the County of Monroe and others, was read the first and second times forthwith.

Mr. Kidd moved to amend the bill by inserting after the name "S. S. Jennings," Cornelius Robinson, R. G. Earle, Henry Myers, John W. Henry, Wm. C. Ash, Robert Gayle, James M. Goodwin, which was adopted, yeas 34, nays 21.

The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs. Alexander of Low, Barker, Barron, Bradley, Broughton, Cain, Crenshaw, Erwin, Garland, Gresham, Griffin of M. Hogan, James, Jones of Con. Jefferson, Jemison, Kidd, Mason, B. McAlpin, McLemore, Mcmillion of J. Mitchell, Moors, Norris, Perkins, Phillips, Randolph, Rice, Scott, Smith of T. Steel, Wallace, Ware, and Winston.

Those who voted in the negative were, messrs Speaker, Alexander of L. Allen, Armbrister, Bishop, Davis of L. Ford, Heflin, Hendricks, Justice, King, Memillion of B. Musgrove, Norman, Rogers, Smith of J. Smith of L. Taylor, Valliant, Walker of B. and Woodward.

The bill was then ordered to a third reading on tomorrow.

The bill from the Senate for the relief of Frances Myers, Wm. Easley, Abraham Rheinheart, and for other purposes, was read the first and second time forthwith, and referred to the committee on Education.

Mr. Davis of Limestone, moved to suspend the reading of the messages, for the purpose of introducing a resolution—which was carried.

Mr. Davis of L. introduced the following resolution :

*Resolved*, That the Secretary of State, be required to inform this House, if the Judges of the County Courts and the clerks of the several courts of the several counties have given bonds as required by law, and if said bonds are on file in his office, and what officers are in default, which was adopted.

Mr. Gresham moved that a committee of conference be appointed by the chair, to act with a like committee on the part of the Senate, to confer as to the subject of disagreement between the two Houses, on the bill to appoint Court House Commissioners of the County of Tallapoosa, and for other purposes therein specified, which was carried.

Whereupon Messrs. Gresham, Phillips and Henry were appointed said committee.

Mr. Smith of Tuscaloosa, moved to adjourn until Monday morning, at half past nine o'clock—lost, yeas 13, nays 40.

Those who voted in the affirmative are Messrs Speaker, Alexander of Low Armbrister, Barker, Hogan, Jemison, Mitchell, Moors, Norman, Perkins, Smith of T. Storrs, and Valliant.

Those who voted in the negative are messrs Alexander of Land, Allen, Barron, Bishop, Bradley, Broughton, Cain, Crenshaw, Davis of L. Erwin, Ford, Garland, Gresham, Griffin of M. Heflin, Hendricks, Hogan, James, Jones of Con. Jefferson, Justice, Kidd, Mason, B. McAlpin, McLenore, Musgrove, Norris, Phillips, Randolph, Rice, Rogers, Scott, Smith of J. Smith of L. Steele, Taylor, Walker of B. Wallace, Ware, Winston and Woodward.

On motion, the House then adjourned until 10 o'clock tomorrow morning.

SATURDAY, DECEMBER 25, 1841.

The House met pursuant to adjournment.

Mr. R. C. McAlpin moved to adjourn until Monday morning, at 10 o'clock which was lost, yeas 16, nays 36.

The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs. Speaker, Alexander of Low, Barker, Chiles, Clemens, Davis of B. Griffin of J. Griffin of S. Heflin, Henry, R. C. McAlpin, S. McAlpin, Mitchell, Steele, Troup, Valliant and Walker of B.

Those who voted in the negative, are Messrs. Alexander of Lauderdale, Allen, Barron, Bishop, Bradley, Cain, Crenshaw, Davis of L. Erwin, Ford, Gardner, Gresham, Griffin of M. Hendricks, James, Jefferson, Justice, Marchbanks, Mason, B. McAlpin, Memillion of J. Moore, Norris, Phillips, Randolph, Rice, Rogers, Rushing, Scott, Smith of J. Smith of L. Storrs, Taylor, Wallace and Ware.

Ordered that Mr. Stinson have leave of absence for the remainder of the session.

Mr. Hendricks introduced a bill to attach the County of Cherokee, to the fourth district at Talladega, Northern Chancery Division, which was read the first time and ordered to a second reading.

A message from the Senate by Mr. Clitherall :

*Mr. Speaker :* The Senate has passed the following bills from the House of Representatives.

An act imposing additional duties on the Treasurer of Marengo county.

An act to provide for the summoning of grand jurors to serve at the special criminal terms of the Circuit Courts of Mobile.

An act to alter and amend the charter of the city of Mobile.

An act to incorporate the Greensboro Female Academy.

An act to authorize William Walker, Sen. and his associates to establish a Ferry on the Black Warrior in Blount county, and have amended the same by striking out all after the enacting clause and inserting thereafter the accompanying bill as a substitute.

The Senate has originated and passed bills to be entitled,

An act to prevent, define, remedy and punish bank frauds.

An act to provide for holding the circuit courts of certain counties.

An act to compel the Bank of the State of Alabama and the branch Banks at Huntsville, Decatur and Montgomery, to keep their accounts with the branch Bank in Mobile.

An act in relation to the salaries of the officers of the Bank of the State of Alabama and its several branches.

A joint resolution of the General Assembly of the State of Alabama.

In all which the concurrence of the House of Representatives is respectfully asked.

Mr Justice introduced a bill to establish an election precinct, and for other purposes ; which was read the first time and ordered to a second reading.

Mr Justice introduced the petition of citizens of Dale county, which was read and referred to the committee on county boundaries.

Messrs Griffin of Marshall, and Mason severally asked, and were granted leave to withdraw petitions.

Mr Davis of Bibb, from the committee on accounts to whom was referred a bill from the Senate, allowing compensation to certain persons, reported the same without amendment.

Mr Griffin of M. moved to lay it on the table.

Mr Erwin moved to postpone it until Monday at eleven o'clock, and make it the special order for that hour; carried

Message from the Governor by Mr Harrison.

EXECUTIVE DEPARTMENT,  
Tuscaloosa, December 25th 1841. }

*To the Speaker of the House of Representatives:*

SIR—I have the honor of making known to your honorable body, that I have received the resignation of Charles E. B. Strode, Esq., one of the members of the House of Representatives from the county of Morgan.

BEN. FITZPATRICK.

Mr Clemens moved to lay the message on the table ; which was carried.

Mr Davis of B. from the committee on accounts, to whom were referred the accounts of Goodwin Driver and Berry Driver, which was read the first time and ordered to a second reading.

Mr Davis of Bibb, from the committee on accounts, to whom were referred the accounts of Wm. Hogan, Malcolm Smith, Seth P. Storrs, Iris McRae, Harrell Hobby, Ryan Barnet, Henry D. Townsend, reported unfavorably, and asked leave to be discharged from the further consideration of the same; which was granted.

Mr Musgrove moved to adjourn until half past 9 o'clock on Monday morning; which was carried—yeas 40, nays 27.

The yeas and nays being demanded,

Those who voted in the affirmative were messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Chiles Davis of L. Erwin, Gardner, Griffin of S. Hammond, Harris, Hendricks, Hogan, Houston, Jones of m. Jemison, King, Marchbanks, B. McAlpin, Mcmillion of J. Mitchell, Morgan, Musgrove, Norman, Norris, Perkins, Randolph, Reynolds, Smith of J. Smith of L. Steele, Taylor, Troup, Walker of Law. Wallace, Winston, Woodward and Young.

Those who voted in the negative are messrs Barron, Bishop, Bradley, Cain, Clemens, Crenshaw, Davenport, Davis of B. Ford, Griffin of m. Heflin, Henry, Hunter, James. Jones of Con. Jefferson, Mason, S. McAlpin, McLemore, Memillion, of B. Rice, Rodgers, Rushing, Scott, Storrs, Walker of B. and Ware.

And then the House adjourned.

MONDAY, Dec. 27th 1841.

The House met pursuant to adjournment.

Mr Musgrove introduced a bill to limit the per diem pay of members of the General Assembly, which was read the first time, and the question was to read the bill the second time, and carried.—yeas 23, nays 21

Those who voted in the affirmative were messrs Speaker, Alexander of Low. Allen, Barker, Barron, Bishop, Bradley, Cain, Crenshaw, Crawford, Gardner, Garland, Griffin of M. Heflin, Hendricks, Hunter, Jones of m. Jemison, Marchbanks, Mason, S. McAlpin, McLemore, Memillion of B. Memillion of J. Musgrove, Norris, Randolph, Rodgers, Taylor, Walker of B. Ware and Winston.

Those who voted in the negative are messrs Alexander of Low. Armbrister, Clemens, Davenport, Davis of B. Davis of L. Gresham, Hammond, Houston, James, King, B. McAlpin, R. C. McAlpin, Mitchell, Moore, Norman, Phillips, Smith of J. Smith of T. Steele, Woodward, Wynn and Young.

Mr Winston introduced a bill to compel certain persons therein named to work on roads, which was read the first and second times forthwith.

Mr Hammond moved to amend it by adding the word "St. Clair" after the word "De Kalb;" which was adopted, it was then read the third time forthwith, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr Memillion of Jefferson introduced a bill to prolong the charter of a certain turnpike road therein named; it was read the first and second times forthwith, and the rule being suspended, it was read a third time, considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.



A message from the Governor by Mr Harrison.

*Mr. Speaker:* His Excellency, the Governor did, on this day approve and sign a bill of the following title, to wit:

An act to fix permanently the time for the trial of all offences against the State, in the county of Wilcox; which bill originated in the House of Representatives.

Mr Memillion of Jefferson introduced a bill regulating the mode of electing the Directors for the several Banks of this State; which was read the first time.

The question was to read the bill the second time, and determined in the negative.

Ordered that Mr Sprewell have leave of absence for the day.

Mr Rushing presented the petition of citizens of Sumter county, which was read and ordered to lie on the table.

Mr Rushing introduced a bill for the relief of that portion of the citizens of township 19, Range two, East, residing in Sumter county, which was read the first time and ordered to a second reading.

Mr Gresham introduced a bill for the relief of Charles Stone and other persons, which was read the first time.

The question was on ordering the bill to a second reading, and decided in the negative.

Mr Walker of B. from the committee on the judiciary, to whom was referred the bill for the relief of certain persons therein named, reported amendments; which were concurred in.

The bill was read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr Barron, from the committee on agriculture, to whom was referred a bill to incorporate the State agricultural society, reported amendments; which were concurred in.

And the rule being suspended, the bill was read the third time forthwith, considered as engrossed, and passed.

Ordered that title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr Rushing, from the committee on divorce and alimony, to whom was referred the decrees in the cases of Jane S. Wheeler, Malvina Hundley and Mary Worsham, reported a bill to divorce Jane S. Wheeler, Malvina Hundley and Mary Worsham from their husbands therein named respectively; which was read the first time, and ordered to a second reading.

Mr Young, from the committee on education, to whom was referred sundry bills, petitions and resolutions, reported the same back to the House, and asked to be discharged from the further consideration of the same; which was granted.

The report was ordered to lie on the table.

Mr Young, from the same committee, to whom was referred a bill to incorporate Oak Grove male and female academy, in the county of Pickens, reported the same back without amendment.

The bill was read a second and third times forthwith, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

mr Walker of B. from the committee on the judiciary, to whom was referred the petition of Elsey Clay, reported unfavorably, and asked to be discharged from the further consideration of the same; which was granted.

mr Crenshaw made the following report:

The committee on enrolled bills have examined and find correctly enrolled:

An act to allow Edwin Robinson to erect a gate or gates across a road therein designated;

An act to establish a road court in the county of Mobile;

An act to establish a board of Physicians in the town of Jacksonville;

Joint resolutions for the survey of the county of Cherokee, and for other purposes;

An act to confirm the will of Martin Kirby, late of Mobile county, deceased.

An act to levy a special tax for the county of Autauga, and for other purposes; and

An act to better regulate the elections of president and directors of the State bank and its several branches.

mr Winston, from the committee on county boundaries, to whom was referred the petition of citizens of the counties of Montgomery and Lowndes, reported a bill to attach a part of the county of Montgomery to the county of Lowndes; which was read the first and second times forthwith, and the rule being suspended, it was read the third time, considered as engrossed, and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

mr Winston, from the same committee, to whom was referred the petition of the citizens of Fayette county, reported unfavorably, and asked to be discharged from the further consideration of the same; which was granted.

mr Winston, from the same committee, to whom was referred the bill to provide for ascertaining the line between the counties of Jackson and De Kalb, and also the petition of those citizens residing along the undefined line between the counties of Jackson, Marshall and De Kalb, reported a bill to define and establish the line between the counties of De Kalb, Marshall and Jackson; which was read the first and second times forthwith, and ordered to lie on the table.

mr Walker of B. from the committee on the judiciary, to whom was referred the bill to prevent writs of error being sued out in civil cases without authority, reported unfavorably.

Ordered that the report and bill lie on the table.

The question then arose on the appeal taken by mr Jemison to the decision of the chairman, mr B. McAlpin, that the motion to concur in the report of the minority of the select committee on the Decatur bank bill, was out of order, and the chair was sustained. Yeas 42, nays 19.

The yeas and nays being demanded,

Those who voted to sustain the chair are, messrs Alexander of Loud. Alexander of Low. Allen, Armbrister, Barker, Bishop, Cain, Clemens, Davis of L. Gresham Griffin of J. Hammond, Haughton, Heflin, Henry, Henslee, Houston, James, Jones of Cov. Jones of m. Justice, Kennedy, King, Marchbanks, Mcmillion of B. Mcmillion of J. Moore, Musgrove, Norman, Phillips, Randolph,

Rice, Rogers, Smith of T. Smith of L. Steele, Valliant, Walker of B. Walker of L. Winston and Woodward.

Those who voted in the negative are, messrs Barron, Bradley, Chiles, Crenshaw, Davenport, Gardner, Hunter, Jemison, R. C. McAlpin, S. McAlpin, Mitchell, Moores, Norris, Norwood, Scott, Storrs, Taylor, Wallace and Ware.

Mr King, from the select committee, to whom was referred the bill from the Senate to authorize the tax collector of Jackson county to receive jurors' certificates and State claims, that have become a county charge, in payment of taxes due said county, reported the same without amendment.

The bill was read the second and third times forthwith, and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Mr Mitchell, from the select committee, to whom was referred the bill from the Senate to amend an act to incorporate the Tuscaloosa guards, reported amendments; which were concurred in.

The bill was read the first and second times forthwith, and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Mr Phillips, from the joint select committee, on the part of the House, to whom was referred the bill in relation to the chancery system, reported that the bill, as amended in the committee, was ordered to be reported by the proper committee to the Senate, and asked to be discharged; which was granted.

Mr B. McAlpin, from the select committee, to whom was referred an act to amend an act for the government of the port and harbor of Mobile, approved December 23, 1822, reported the same without amendment.

The bill was read the second and third times forthwith, and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Clitherall:

*Mr Speaker*—The Senate concurs in the resolution of the House of Representatives proposing to go into certain elections, and have amended the same by substituting the following:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House this evening (27th Dec.) at half past 6 o'clock, and proceed to elect the president and six directors of the branch of the bank of the State of Alabama at Huntsville, and the same also for the branch at Decatur, and a quartermaster general.

And on to-morrow night, at the same hour, to elect said officers for the bank of the State and branch at Montgomery.

And the next succeeding night to elect said officers for the branch at Mobile.

And also, on the same night, (last aforesaid,) the comptroller, State treasurer and State Printer.

I am instructed to inform your honorable body, that the Senate recedes from their amendments to a bill to be entitled an act to better regulate the elections of president and directors of the State bank and its several branches.

The Senate has appointed messrs Hall, Reese and Toulmin a committee on the part of the Senate to act with a like committee on the part of the House, on the subject of disagreement on the bill to appoint courthouse commissioners for Tallapoosa county.

In all which the concurrence of the House of Representatives is respectfully asked.

mr Chiles, from the select committee to whom was referred the petition of the citizens of Greene, reported favorably.

Ordered that the report lie on the table.

mr Griffin of Jackson, from the select committee to whom was referred the bill to provide for the payment of grand and petit jurors in the county of Jackson, reported unfavorably, and asked to be discharged from the further consideration of the same; which was granted.

mr Clemens moved to suspend the orders of the day for the purpose of offering a resolution to go into certain elections; which was carried. Yeas 41, nays 27.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Low, Allen, Ambrister, Barron, Bishop, Clemens, Davenport, Davis of L. Erwin, Gardner, Gresham, Griffin of m. Haughton, Henslee, Houston, Hunter, James, Jones of Cov. Jones of m. Jefferson, Marchbanks, Mason, Mcmillion of B. Moore, Moores, Morgan, Musgrove, Norman, Phillips, Randolph, Rice, Rogers, Rushing, Scott, Smith of J. Smith of L. Steele, Taylor, Walker of L. and Wynn.

Those who voted in the negative are, messrs Alexander of Laud. Barker, Bradley, Cain, Crenshaw, Crawford, Davis of B. Garland, Griffin of J. Heflin, Hendricks, Henry. Jones of Con. Jemison, Justice, Kennedy, Kidd, King, R. C. McAlpin, Mitchell, Norris, Valliant, Walker of B. Wallace Ware, Winton and Woodward.

mr Clemens offered the following resolution:

*Resolved*, 'That with the concurrence of the Senate, the two Houses will assemble in the hall of the House this evening at half past 6 o'clock, for the purpose of going into the election of comptroller of public accounts, State treasurer and State printer.

Also, a president and six directors for the branch bank at Montgomery, and a president and six directors for the branch bank at Mobile, and keeper of the State arsenal.

*Resolved, further*, 'That with the concurrence of the Senate, the two Houses will assemble in the hall of the House this day at half past 3 o'clock, p. m. for the purpose of going into the election of a president and six directors for the branch bank at Huntsville, and president six directors for the State bank at Tuscaloosa.

mr moved to suspend the orders of the day to take up the messages from the Senate; which was carried.

Bills from the Senate of the following titles:

An act making appropriations for a State arsenal;

An act the better to secure the right of suffrage to naturalized citizens of the city and county of Mobile;

An act the better to secure the unknown, bad and doubtful debts owing to the bank of the State of Alabama and branches;

An act authorizing proceedings at the instance of the State of Alabama, against the owners of turnpike roads in certain cases; and

An act concerning trustees;

Were severally read the first time, and ordered to a second reading.

Bills from the Senate of the following titles:

A bill to better enable the collection of debts due the bank of *Mobile*;

A bill authorizing a special term of the chancery court for the second district of the southern division, at *Clayton*;

Were severally read the first and second times forthwith, and the rule being suspended, they were read the third time, and passed.

Ordered that the titles be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to regulate the weighing of cotton in the city of *Mobile*, and for other purposes, was read the first and second times forthwith.

Mr *B. McAlpin* moved to amend it by striking out "hereafter," and inserting in lieu of it the words "after the first of August next"; which was lost.

The bill was read a third time, and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

The engrossed bill the better to regulate the elections of president and directors of the State bank and its several branches.

Mr *Jemison* moved to disagree to the amendments made by the Senate; which was carried. Yeas 54, nays 11.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs *Speaker*, *Alexander of Laud*, *Alexander of Low*, *Allen*, *Armbrister*, *Barron*, *Bishop*, *Bradley*, *Cain*, *Creushaw*, *Crawford*, *Davenport*, *Davis of L.* *Gardner*, *Garland*, *Griffin of m.* *Hammond*, *Heslin*, *Hendricks* *Henry*, *Henslee*, *Hogan*, *Hunter*, *James*, *Jones of Con.* *Jones of Gov.* *Jefferson*, *Jemison*, *Kennedy*, *Kidd*, *Marchbanks*, *Mason*, *S. Mcalpin*, *Mcmillion of B.* *Mcmillion of J.* *Mitchell*, *Morgan*, *Musgrove*, *Norris*, *Norwood*, *Phillips*, *Rice*, *Rogers*, *Rushing*, *Scott*, *Smith of J. Smith of L.* *Storrs*, *Taylor*, *Walker of B.* *Wallace*, *Ware*, *Winston* and *Woodward*.

Those who voted in the negative are, messrs *Chiles*, *Clemens*, *Erwin*, *Gresham*, *Houston*, *Jones of m.* *Moore*, *Norman*, *Steele* and *Wynn*.

Engrossed bill to create a certain county therein named, and for other purposes.

Ordered that the House concur in the amendments made by the Senate.

Ordered that the clerk acquaint the Senate therewith.

Engrossed bill to incorporate the *Tallapoosa* manufacturing company.

Ordered that the House concur in the amendments made by the Senate.

Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to divide the State of Alabama into three chancery divisions and for other purposes, was read the first time and made the special order of the day for 11 o'clock to-morrow.

Engrossed bill to provide for digesting of the laws of the State of Alabama.

Ordered that the House concur in the amendments made by the Senate.

Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to authorize the bank of the State of Alabama and its several branches to receive the State bonds in payment of certain debts due said bank and branches.

Mr. *Griffin of Jackson*, moved to lay the bill on the table--yeas 32, nays 37.

The yeas and nays being demanded, those who voted in the affirmative are messrs. *Speaker*, *Alexander of Laud*, *Armbrister*, *Bishop*, *Clemens*, *Davis of L.*

Garland, Griffin of J. Hammond, Haughton, Heflin, Hendricks, Henslee, Jones of Con. Jones of Cov. Jones of M. Jefferson, Kennedy, King, Marchbanks, Mason, mcMillion of B. mcMillion of J. Musgrove, Rice, Rodgers, Scott, Smith of L. Steele, Taylor, Valliant and Winston.

Those who voted in the negative are, messrs. Alexander of Low. Allen, Barker, Barron, Bradley, Cain, Chiles, Crenshaw, Crawford, Davis of B. Erwin, Gardner, Gresham, Henry, Houston, Hunter, James, Kidd, R. C. McAlpin, S. McAlpin, Mitchell, Moors, Morgan, Norman, Norris, Norwood, Phillips, Randolph, Rushing, Smith of J. Smith of T. Storrs, Walker of B. Wallace, Ware, Woodward and Wynn.

Mr. Rice moved to amend the bill as follows :

"In section first, before the words 'at par,' insert the following, 'which may become due within three years from the passage of this act,' which was adopted—yeas 49, nays 26.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud. Allen, Armbrister, Barker, Bishop, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of L. Garland, Griffin of J. Griffin of M. Hammond, Haughton, Heflin, Hendricks, Henslee, Hogan, Hunter, Jones of Con. Jones of Cov. Jones of M. Jefferson, Jemison, Kennedy, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, mcMillion of B. mcMillion of J. Musgrove, Randolph, Rice, Rodgers, Scott, Smith of T. Smith of L. Steele, Storrs, Taylor, Valliant, Walker of B. Walker of Law. and Winston.

Those who voted in the negative are, messrs. Alexander of Low. Barron, Bradley, Davis of B. Erwin, Gresham, Henry, Houston, James, Justice, Kidd, S. McAlpin, McLemore, Mitchell, Moore, Moors, Norman, Norris, Norwood, Phillips, Rushing, Wallace, Ware, Woodward, Wynn and Yancey.

And then the *House* adjourned until half-past 3 o'clock this afternoon.

AFTERNOON SESSION, half-past 3 o'clock.

The House met pursuant to adjournment.

Mr. Armbrister made the following report :

The committee on enrolled bills have examined and found correctly enrolled,

An act to change the time of holding the county courts in the county of Tallapoosa.

An act to declare the Noxubee river a public highway.

An act to require the sheriff of the county of Perry to sell all property levied on by him in that portion of said county east of the Cahaba river at the town of Perryville.

Mr. Young presented the petition of Wm. D. C. Scarff, which was read and referred to the committee on propositions and grievances.

The *House* resumed the consideration of the bill to authorize the bank of the State and branches to receive the State bonds in payment of certain debts.

Mr. Smith of Lauderdale moved to postpone the bill until Friday next, which was lost—yeas 26, nays 40.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud. Bishop, Cain, Davis of L. Griffin of J. Griffin of M. Heflin, Henslee, Hunter, Jones of Con. Kennedy, King, Marchbanks, Mason, mcMillion of B. mcMillion of J. Musgrove, Randolph, Rice, Rodgers, Smith of L. Steele, Taylor, Valliant and Winston.

Those who voted in the negative are, messrs. Alexander of Low. Allen, Barker, Barron, Bradley, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Garland, Gresham, Hendricks, Hogan, Houston, James, Jefferson, Jemison, Kidd, B. mcAlpin, R. C. mcAlpin, S. mcAlpin, mcLemore, Mitchell, Morgan, Norman, Norris, Norwood, Phillips, Rushing, Smith of J., Smith of T. Storrs, Walker of B. Walker of Law. Ware, Woodward, Wynn and Young.

The question was on ordering the bill to a third reading and carried—yeas 43, nays 27.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Low. Allen, Barker, Barron, Bradley, Cain, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Gresham, Griffin of M. Hendricks, Hogan, Houston, James, Jefferson, Jemison, Kidd, B. mcAlpin, R. C. mcAlpin, S. mcAlpin, mcLemore, Mitchell, Moors, Morgan, Norman, Norris, Norwood, Phillips, Rushing, Scott, Smith of J. Smith of T. Storrs, Walker of B. Walker of L. Ware, Woodward, Wynn and Young.

Those who voted in the negative, are messrs. Speaker, Alexander of Laud. Bishop, Davis of L. Griffin of J. Hammond, Heflin, Henslee, Hunter, Jones of Con. Jones of Cov. Justice, Kennedy, King, Marchbanks, Mason, McMillion of B. Mcmillion of J. Musgrove, Randolph, Rice, Rogers, Smith of L. Steele, Taylor, Valliant and Winston.

Bills from the Senate of the following titles :

An act to prevent a sacrifice of real estate.

An act to enforce liabilities of sheriffs in respect of defaults and misfeasances in office, in the counties therein named.

An act to repeal an act entitled an act to increase the sheriffs fees in Baldwin county, approved 23rd December, 1837.

An act to organize the 6th brigade, 3rd division of Alabama militia.

An act making appropriations for the payment of claims against the State.

An act to amend the law in relation to witnesses in State cases.

An act to regulate the trial of the right of property.

An act to amend the charter of the branch of the bank of the State of Alabama at mobile, and better to secure the collection of the doubtful bad and suspended debts due the same.

An act requiring the clerks of the circuit and county courts of Marengo county, to make and keep reversed indexes.

An act to secure the muscule shoals canal against dilapidation, and remove obstructions to the navigation of the Alabama river.

An act for the relief of Daniel Rather and others.

An act to reduce the fees of certain officers therein named.

And joint resolutions in relation to the State capitol.

Were severally read the first time and ordered to a second reading.

A message from the Governor by mr. Harrison :

*Mr. Speaker:* His Excellency the Governor has this day approved and signed a bill of the following title, to wit :

“An act to better regulate the elections of President and directors of the State bank and its several branches.

Which bill originated in the *House of Representatives*.

The bill from the Senate for the relief of Reuben Lackey, tax collector of Jackson county, was read the first and second times forthwith, and (the rule being suspended) the question was on ordering the bill to a third reading and decided in the affirmative—yeas 48, nays 17.



The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud. Alexander of Low. Barker, Barron, Bishop, Bradley, Cain, Chiles, Crenshaw, Crawford, Davis of B. Gardner, Gresham, Griffin of M. Hammond, Heflin, Hendricks, Henslee, Houston, Hunter, James, Jones of Con. Jefferson, Kennedy, Kidd, King, Marchbanks, Mason, B. McAlpin, McLemore, McMillion of B. McMillion of J. Musgrove, Norwood, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J. Smith of T. Steele, Taylor, Walker of Law. Ware, Winston and Woodward.

Those who voted in the negative are, messrs. Cochran, Davenport, Davis of L. Erwin, Garland, Hogan, Jemison, Justice, R. C. McAlpin, S. McAlpin, Norris, Perkins, Smith of L. Valliant, Walker of B. and Young.

The bill passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by mr. Clitherall.

Mr. Speaker: The Senate has passed a bill to be entitled an act to revive and continue in force an act entitled an act to levy a special tax for the county of Morgan, approved January 9, 1841.

In which the concurrence of your honorable body is respectfully asked.

Bill from the Senate to establish certain precincts therein named, and for other purposes.

Ordered that the House concur in the amendment made by the Senate.

Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to incorporate the Howard college in Marion, Perry county, was read the first and second times forthwith, and the rule being suspended, it was read the third time and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to abolish a precinct in Tallapoosa county and for other purposes, was read the first time and ordered to lie on the table.

The bill from the Senate to incorporate the Washington Monroe male and female academy at Puryearsville, Monroe county, was read the first and second times forthwith, and the rule being suspended, it was read the third time and passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Mr. Mitchell made the following report:

The committee on enrolled bills have examined and found correctly enrolled,

An act to change the mode of assessing and collecting the taxes for the county of Jackson.

An act to incorporate the town of Vienna in the county of Pickens.

An act to appoint commissioners to build a jail in the county of Shelby and for other purposes.

An act to compensate Robert Nelson.

An act authorizing the commissioners of Talladega county to levy a special tax and for other purposes.

And then the House adjourned until half-past 6 o'clock this evening.

NIGHT SESSION, half-past 6 o'clock.

The House met pursuant to adjournment.

The Senate, by invitation from the clerk, repaired to the Hall of the House of Representatives.

The two houses then proceeded to the election of a President and six Directors for the branch bank at Huntsville.

The two houses first proceeded to the election of a President.

Mr. Turner placed in nomination the name of STEPHEN S. EWING, and in obedience to the law upon that subject, submitted the following statement in writing:

"Stephen S. Ewing, upon examination, owes no bank in this State, either as principal or security; has been President of the branch bank at Huntsville, for the year 1841; has given general satisfaction to the citizens in the vicinity of the bank and all others, so far as we know. He is well qualified to discharge the duties of President of the said branch bank.

Dec. 27, 1841.

Signed,

D. B. TURNER, Senator from Madison Co., and  
D. MOORE.

Those who voted for Mr. Ewing are, messrs. President, Alston, Andress, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClamahan, McConnell, Oliver, Phillips, Ross, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs. Speaker, Alexander of Land. Alexander of Low. Allen, Armbrister, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davis of B. Davis of L. Erwin, Garland, Gresham, Griffin of J. Griffin of M. Hammond, Haughton, Heflin, Hendricks, Henry, Hogan, Houston, Hunter, James, Jones of Con. Jones of M. Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McMillion of B. Mitchell, Moore, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Scott, Smith of J. Smith of L. Smith of T. Steele, Stinson, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Woodward, Wynn and Young, of the House.

Mr. Ewing having received the whole number of votes given, Mr. Speaker declared him duly elected President of the branch bank of the State of Alabama at Huntsville.

They next proceeded to the election of six Directors for said branch bank.

Mr. Turner placed in nomination the names of messrs. GEORGE STEELE, JOSEPH C. BRADLEY, GEORGE W. NEAL, THOMAS BRANDON, JOSE J. FACKLER and JOSEPH RICE, and submitted in relation thereto, the following statement:

"We the undersigned know each and every one of the above named persons to be solvent, punctual and business men, and well qualified to discharge the duties of bank director. As we have not had time to examine their indebtedness, as the law requiring their indebtedness to be stated only passed on this day, we will state that they are all and each of them, fully solvent and able to pay all their liabilities in and out of bank, and no fears need be entertained that they will not discharge their duties well and according to law."

DAVID MOORE,

THOS. HAUGHTON,

GEO. T. JONES,

J. CLEMENS of the House.

D. B. TURNER of the SENATE.

John J. Fackler owes on his account, upon examination, in the State bank and branches, \$3,000—is not security for one dollar in said banks; has been a director of the branch bank at Huntsville for the last two years, and so far as I know has given general satisfaction. He has been a dry goods merchant in Huntsville for the last 18 years. Has always been considered a safe merchant and a man of steady business habits. I have never known him under protest, or sued upon any just debt. I believe his election would give general satisfaction to the citizens of Madison county, and all others acquainted with his business habits.

D. B. TURNER of the Senate.

I have been acquainted with Mr. Fackler for 17 years, am not acquainted with his indebtedness to the banks, but from my knowledge of him, fully concur with the other statement made by D. B. Turner.

HARRY I. THORNTON.

Mr. Wilson of Jackson, placed in nomination Wm. A. Austin of Jackson county, for director of said branch bank at Huntsville, and submitted the following statement.

“His indebtedness (as the reports show) to the banks of this State as principal is \$775, and as endorser \$350; we believe him to be solvent, honest and well qualified to discharge the duties of bank director.

THOMAS WILSON.

W. M. KING.

P. ARMBRISTER.

JAMES SMITH.

WM. L. GRIFFIN,

I have known Wm. A. Austin for several years—he is a man of business habits; has been a director of the branch bank at Huntsville, and has discharged the duties (from information) faithfully, and to the interest of the institution.

D. B. TURNER.

Those who voted for Mr. Austin are, messrs. Alston, Address, Baylor, Buford, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin and Wilson of J. of the Senate; and messrs. Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Cain, Chiles, Clemens, Crenshaw, Davis of B. Davis of L. Erwin, Garland, Gresham, Griffin of J. Griffin of M. Hammond, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of M. Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McMillion of J. Mitchell, Moore, Moors, Morgan, Norman, Norris, Perkins, Randolph, Rice, Rogers, Rushing, Smith of J. Smith of L. Smith of T. Steele, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston and Woodward, of the House.—89.

Those who voted for Mr. Brandon are, messrs. President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McConnell, McClanahan, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, and Wilson of J. of the Senate; and messrs. Speaker, Alexander of Laud. Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Crenshaw, Davis of L. Erwin, Garland, Griffin of J. Griffin of M. Hammond, Haughton, Heflin, Hendricks, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of M. Justice, Kidd, King, Marchbanks, B. McAlpin, McMillion of B. McMillion of J. Moore,

Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rogers, Rushing, Smith of J. Smith of L. Smith of T. Steele, Taylor, Troup, Valliant, Walker of B. Wallace, Winston, Woodward, and Wynn, of the House.—82.

Those who voted for Mr. Bradley, are messrs. President, Buford, Clarke, Creagh, Dent, Hall, Hudson, Jones, King, Lea, McAllister, McClannahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin and Turner, of the Senate; and messrs Speaker, Alexander, of Laud., Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davis of B. Erwin, Garland, Gresham, Griffin of J. Griffin of m. Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, Jones of Con. Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, S. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Moors, Norman, Norris, Norwood, Phillips, Randolph, Perkins, Rice, Rodgers, Rushing, Scott, Smith of J. Smith of L. Smith of T. Storrs, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston and Wynn of the House.—82.

Those who voted for Mr. Fackler are messrs President, Alston, Address, Baylor, Clarke, Creagh, Dent, Foster, Hunter, Hudson, Jones, King, Lea, McAllister, McClannahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Lowndes. Allen, Barker, Barron, Bradley, Chiles, Clemens, Crenshaw, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J. Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of M. Jefferson, Jemison, Justice, King, Marchbanks, mason, B. McAlpin, S. McAlpin, Mitchell, moore, moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Rodgers, Rushing, Scott, Smith of L. Smith of T. Steele, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Woodward and Wynn of the House—87.

Those who voted for Mr. Neal are messrs President, Alston, Address, Baylor, Buford, Creagh, Clarke, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Ross, Rodgers, Thornton, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Alexander of L. Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davis of B. Davis of L. Erwin, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Haughton, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of m. Jefferson, Jemison, Justice, Kidd, King, Marchbanks, mason, B. McAlpin, S. McAlpin, mcmillion of J. Mitchell, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rushing, Scott, Smith of J. Smith of L. Smith of T. Steele, storrs, Valliant, Walker of B. Walker of L. Wallace, Ware, Woodward, and Wynn, of the House—84.

Those who voted for Mr. Rice are, messrs President, Alston, Address, Baylor, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, King, McAllister, McClannahan, Phillips, Reese, Ross, Rodgers, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Allen, Bishop, Bradley, Cain, Clemens, Davis of B. Davis of L. Gresham, Griffin of m. Hammond, Haughton, Heflin, Hendricks, Henry, Houston, James, Jones of Con. Jones of m. Jefferson, Jemison, Kidd, Marchbanks, Mason, B. McAlpin, S.

McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Moores, Morgan, Norwood, Phillips, Randolph, Rice, Rogers, Scott, Smith of J. Smith of T. Steele, Storrs, Taylor, Troup, Walker of L. Ware, Winston, Woodward and Wynn of the House.—72.

Those who voted for mr Steele are, messrs President, Alston, Andress, Baylor, Buford, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Alexander of Lowndes, Allen, Arnbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davis of B. Davis of L. Erwin, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Henry, Henslee, Hogan, Hunter, James, Jones of Con. Jones of m. Jefferson, Jemison, Justice, Kidd, King, Mason, B. McAlpin, S. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Moores, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rogers, Rushing, Scott, Smith of J. Smith of L. Steele, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Woodard and Wynn of the House.

messrs Austin, Brandon, Bradley, Fackler, Neal and Steele, having received a majority of the whole number of votes given, mr Speaker declared them duly elected directors of the branch of the bank of the State of Alabama at Huntsville.

The two Houses next proceeded to the election of a president for the branch of the State of Alabama at Decatur.

mr McClanahan placed in nomination the name of JAMES FENNELL, and in relation thereto submitted the following statement in writing:

“James Fennell owes the branch bank at Decatur, as principal, the sum of \$1200. I believe he is not indebted to any other bank in the State. He is a man not embarrassed, so far as I know or believe. I believe him perfectly solvent and well qualified to discharge the duties of president of the Decatur bank, for which office I beg leave to place his name in nomination.

MILTON McCLANAHAN.”

Those who voted for mr Fennell are, of the Senate, messrs President, Alston, Andress, Buford, Clarke, Creagh, Dent, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; messrs Speaker, Alexander of Laud. Alexander of Lowndes, Allen, Arnbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Crawford, Davis of B. Davis of L. Erwin, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of m. Jefferson, Jemison, Justice, Kennedy, Kidd, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, Mitchell, Moore, Moores, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rogers, Rushing, Scott, Smith of J. Smith of T. Steele, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Woodward and Young.—93.

mr Fennell having received the whole number of votes given, mr Speaker declared him duly elected President of the branch of the bank of the State of Alabama at Decatur.

The two Houses next proceeded to the election of six directors of the branch bank of the State of Alabama at Decatur.

mr Norman placed in nomination the name of **GEORGE W. CARROLL**, for Director, and in relation thereto, submitted the following in writing:

"Upon examination, I find his indebtedness, on the 30th October last, stated to be as follows, viz:

As principal at Decatur bank, - - - -	\$4,865 89
" Huntsville bank, - - - -	1,200 00
<hr/>	
Total indebtedness as principal, - - - -	\$6,065 89
I find him liable as endorser at the Decatur bank, -	3,316 16
<hr/>	
	\$9,283 05

I believe he is not indebted to any other bank in this State. He is a man of large estate, unincumbered, so far as I know or believe; and his experience in the board of directors at Decatur, makes him well qualified to discharge his duties as such.  
**F. G. NORMAN."**

mr Smith of Lauderdale placed in nomination the name of Samuel P. Probasco for director, and in relation thereto, submitted the following in writing:

"From the best information I can obtain, mr Samuel P. Probasco, of Florence, is not indebted to the bank one cent. He is in every respect well qualified to discharge the duties incumbent upon a director of the branch bank at Decatur.  
**H. SMITH, of Lauderdale."**

mr Valliant placed in nomination the name of John Glass for director, and in relation thereto, submitted the following in writing:

"He has been a director in the branch bank at Decatur for the two last years, and has given general satisfaction, so far as I know. He owes said bank \$2,400 00, and owes no other bank as the returns show. He is perfectly able to pay all his liabilities, and is a man of unusual punctuality in all his dealings, and I consider him well qualified for bank director.  
**D. H. VALLIANT."**

mr Troup placed in nomination the name of John T. Rather for director, and in relation thereto, submitted in writing the following statement:

"Upon examination, it appears that he owes, as principal, at the Decatur bank, \$200; as endorser \$270. He also owes the State bank as principal \$734. I believe him to be a solvent man, and a good director. He is one of the present board at that place. This 27th Dec. 1841.  
**M. W. TROUP."**

mr Davis of Limestone placed in nomination the name of James C. Malone for director, and in relation thereto, submitted in writing the following statement:

"mr Malone is indebted to said branch bank at Decatur, in the sum of \$500, and able to pay ten times that amount. No other liabilities to any bank to my knowledge; and well qualified to discharge the duties of bank director; and not under protest. 27th Dec. 1841.  
**NATHL. DAVIS, } of Limestone county."**  
**JNO. H. J. WYNN, }**

mr Terry also submitted in writing the following statement:

"James C. Malone stands indebted to the banks in the round sum of \$500; and is perfectly solvent; is a planter of some eminence; has been a director

in the branch bank at Decatur for the last three years. He is a man of unblemished moral character, and in every respect well qualified for bank director, and a man in whom all who know him confide; and for the correctness of this statement, I hold myself responsible to God and the country. Dec. 27, 1841.

**NATH'L. TERRY."**

Mr Kennedy placed in nomination the name of Baylor B. Barker for director, and in relation thereto submitted the following in writing:

"He is liable to the branch bank at Huntsville, as principal on a note, for \$1,333 00, with Jno. B. Dilahunt, Joseph Brisbane, James Thompson and George M. Savage as securities. Five per cent. of said debt is due on the 21st of January next; is not under protest. I believe the debt perfectly good, and that Barker is responsible and capable to discharge the duties of the office.

**JOHN S. KENNEDY."**

Mr McClanahan placed in nomination the name of Thomas Lile for director, and in relation thereto, submitted in writing the following statement:

"Thomas Lile owes the bank nothing; he is perfectly solvent, and his long services as a director at the Decatur bank, render him well qualified to discharge his duty as such; and I therefore beg leave to place his name in nomination for the office.

**MILTON McCLANAHAN."**

Mr Rodgers placed in nomination the name of David H. Walker for director, and in relation thereto, submitted in writing the following statement:

"He is not indebted to any bank, either directly or indirectly, a cent; is clear of embarrassment in any way, and worth some twenty or thirty thousand dollars, and well qualified to make a good and safe bank director.

**HUGH M. RODGERS."**

Mr McClanahan placed in nomination the name of Jesse W. Garth for director, and in relation thereto, submitted the following statement in writing:

"Jesse W. Garth owes the branch bank at Decatur the sum of \$800. He is a man well qualified to discharge the duties of bank director. He is perfectly solvent, and unembarrassed. I ask leave to place his name in nomination for director of the branch bank at Decatur.

**MILTON McCLANAHAN."**

messrs BARKER, CARROLL, GARTH, GLASE, LILE, MALONE, PROBASCO, RATHER and WALKER, being in nomination.

Those who voted for Mr Barker are, messrs Alston, Andress, Buford, Clarke, Hall, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Rodgers, Thornton, Toulmin and Wilson of J. of the Senate; and messrs Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Crawford, Davis of B. Erwin, Garland, Gresham, Griffin of J. Griffin of m. Haughton, Heflin, Hendricks, Henry, Henslee, Houston, James, Jones of Con, Jefferson, Justice, Kennedy, Kidd, King, Mason, B. McAlpin, McLemore, Moore, Morgan, Norris, Norwood, Rice, Rogers, Rushing, Scott, Smith of T. Smith of J. Steele, Storrs, Wallace, Ware and Woodward, of the House.—66.

Those who voted for Mr Carroll are, messrs President, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Lea, McAllister, McClanahan, McConnell, Phillips, Reese, Rogers, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs Alexander of Laud. Alexander of Lownds, Armbrister, Barker, Barron, Bishop, Chiles, Clemens, Crenshaw



Crawford, Davis of B. Davis of L. Erwin, Garland, Gresham, Griffin of J. Griffin of m. Haughton, Henry, Hogan, Houston, James, Jones of m. Jemison, Kidd, Marchbanks, B. McAlpin, McLemore, Mcmillion of B. Mcmillion of J. Mitchell, Moores, Morgan, Norman, Norris, Perkins, Phillips, Rice, Rushing, Scott, Smith of J. Smith of L. Steele, Storrs, Troup, Valliant, Walker of Law. Wallace, Winston and Woodward, of the House.—71.

Those who voted for mr Garth are, messrs President, Alston, Address, Clarke, Creagh, Dent, Foster, Hall, Henry, McClanahan, Oliver, Phillips, Reese, Ross, Rodgers, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Lowndes, Armbrister, Barron, Bishop, Bradley, Cain, Crenshaw, Davis of B. Garland, Hammond, Haughton, Heflin, Henry, Hogan, Houston, Hunter, Jones of Con. Jones of m. Jefferson, Jemison, Kidd, King, Mason, Marchbanks, McLemore, Moores, Mitchell, Morgan, Norman, Norwood, Perkins, Randolph, Rogers, Scott, Smith of L. Troup, Wallace, Ware, Winston, Wynn and Young, of the House.—59.

Those who voted for mr Glass are, messrs President, Baylor, Clarke, Dent, Hudson, McClanahan, McConnell, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Armbrister, Barker, Bishop, Bradley, Chiles, Crawford, Davis of L. Griffin of J. Griffin of m. Hendricks, Henslee, Hogan, Houston, Hunter, James, Jones of m. Jefferson, Jemison, Justice, King, Marchbanks, Mason, B. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rogers, Smith of J. Smith of L. Steele, Storrs, Troup, Valliant, Walker of Law. Wallace, Woodward, Wynn and Young, of the House.—63.

Those who voted for mr Lile are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, King, McAllister, McClanahan, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Allen, Armbrister, Bishop, Bradley, Clemens, Crenshaw, Davis of B. Davis of L. Erwin, Garland, Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of m. Jemison, Justice, Kennedy, Kidd, King, Marchbanks, McAllister, B. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Morgan, Norman, Phillips, Randolph, Rice, Rogers, Rushing, Smith of J. Smith of L. Smith of T. Steele, Storrs, Troup, Valliant, Walker of L. Wallace, Winston, Woodward, Wynn and Young, of the House.—78.

Those who voted for mr Malone are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, King, Lea, McAlister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin and Turner, of the Senate; and messrs Speaker, Alexander of Low. Allen, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crawford, Davis of B. Davis of L. Erwin, Gresham, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of m. Jefferson, Jemison, Justice, Kidd, Marchbanks, B. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Moore, Moores, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rogers, Rushing, Smith of J. Smith of T. Steele, Storrs, Troup, Valliant, Walker of Law. Ware, Winston, Woodward, Wynn and Young.—84.

Those who voted for mr Probasco are, messrs Buford, Creagh, *Hunter*, *Lea*, *McAllister* and *Oliver*, of the Senate; and messrs *Speaker*, *Alexander* of *Laud*. *Alexander* of *Lowndes*, *Allen*, *Barker*, *Cain*, *Davis* of *L. Gresham*, *Hammond*, *Heflin*, *Hendricks*, *Jones* of *m. Kennedy*, *Marchbanks*, *McLemore*, *McMillion* of *J. Moore*, *Moore*s, *Morgan*, *Norman*, *Phillips*, *Scott*, *Smith* of *L. Smith* of *T. Steele*, *Ware*, *Winston* and *Young*, of the House.—34.

Those who voted for mr *Rather* are, messrs *President*, *Alston*, *Andress*, *Baylor*, *Dent*, *Hall*, *Hudson*, *Hunter*, *King*, *Lea*, *McClanahan*, *McConnell*, *Oliver*, *Phillips*, *Reese*, *Ross*, *Thornton*, and *Toulmin*, of the Senate, and messrs *Speaker*, *Allen*, *Armbrister*, *Barker*, *Barron*, *Bradley*, *Cain*, *Chiles*, *Clemens*, *Crenshaw*, *Crawford* *Davis* of *B. Davis* of *L. Erwin*, *Garland*, *Gresham*, *Griffin* of *J. Griffin* of *m. Hammond*, *Hendricks*, *Henry*, *Henslee*, *Hogan*, *Hunter*, *James*, *Jones* of *Con. Jefferson*, *Jemison*, *Justice*, *Kidd*, *King*, *Mason*, *B. McAlpin*, *McLemore*, *McMillion* of *J. Mitchell*, *Moore*, *Moore*s, *Norris*, *Norwood*, *Perkins*, *Randolph*, *Rogers*, *Rushing*, *Scott*, *Smith* of *J. Smith* of *T. Storrs*, *Troup*, *Valliant*, *Walker* of *L. Wallace*, *Ware*, *Woodward*, *Wynn* and *Young*, of the House.—74.

Those who voted for mr *Walker* are, messrs *Alston*, *Andress*, *Baylor*, *Buford*, *Creagh*, *Foster*, *Hall*, *Hunter*, *King*, *Lea*, *McAllister*, *Oliver*, *Ross*, *Rodgers* and *Wilson* of *J.* of the Senate; and messrs *Alexander* of *Laud*. *Alexander* of *Lowndes*, *Allen*, *Barker*, *Barron*, *Cain*, *Chiles*, *Clemens*, *Crenshaw*, *Crawford*, *Erwin*, *Garland*, *Gresham*, *Griffin* of *J. Griffin* of *m. Hammond*, *Haughton*, *Heflin*, *Hendricks*, *Henslee*, *Hunter*, *Jones* of *Con. Jefferson*, *Justice*, *Kennedy*, *King*, *Marchbanks*, *Mason*, *McLemore*, *Moore*, *Moore*s, *Norris*, *Norwood*, *Perkins*, *Phillips*, *Randolph*, *Rice*, *Rushing*, *Scott*, *Smith* of *L. Smith* of *T. Valliant*, *Walker* of *Law*. *Ware*, *Winston* and *Wynn*, of the House.

messrs *Barker*, *Carroll*, *Glass*, *Lile*, *Malone* and *Rather* having each received a majority of all the votes given, mr *Speaker* declared them duly elected directors of the branch of the bank of the State of Alabama at Decatur.

The two Houses next proceeded to the election of a quartermaster general: *ELIAS FRIERSON* and *JAMES M. NORMENT* being in nomination.

Those who voted for mr *Frierson* are, messrs *Baylor*, *Creagh*, *Dent*, *Foster*, *Hudson*, *Jones*, *McClanahan*, *McConnell*, *Reese*, *Ross*, *Toulmin*, *Turner* and *Wilson* of *J.* of the Senate; and messrs *Speaker*, *Alexander* of *Laud*. *Bishop*, *Clemens*, *Crenshaw*, *Davis* of *L. Griffin* of *m. Hammond*, *Haughton*, *Heflin*, *Hendricks*, *Henslee*, *Hogan*, *Houston*, *Hunter*, *James*, *Jones* of *m. King*, *Marchbanks*, *B. McAlpin*, *McMillion* of *B. McMillion* of *J. Mitchell*, *Moore*, *Morgan*, *Norman*, *Perkins*, *Phillips*, *Randolph*, *Rogers*, *Rushing*, *Smith* of *J. Smith* of *L. Steele*, *Taylor*, *Troup*, *Walker* of *B. Winston*, *Woodward*, *Wynn* and *Young*, of the House.

Those who voted for mr *Norment* are, messrs *President*, *Andress*, *Buford*, *Clarke*, *Hall*, *Hunter*, *King*, *Lea*, *Phillips*, *Rodgers* and *Thornton*, of the Senate; and messrs *Alexander* of *Lowndes*, *Allen*, *Armbrister*, *Barker*, *Barron*, *Bradley*, *Cain*, *Chiles*, *Crawford*, *Davis* of *B. Erwin*, *Garland*, *Gresham*, *Griffin* of *J. Henry*, *Jones* of *Con. Jefferson*, *Jemison*, *Justice*, *Kennedy*, *Kidd*, *Mason*, *McLemore*, *Moore*s, *Norris*, *Norwood*, *Scott*, *Smith* of *T. Storrs*, *Valliant*, *Walker* of *L. Wallace* and *Ware*.

mr *Frierson* having received a majority of all the votes given, mr *Speaker* declared him duly elected quartermaster general.

The Senate then withdrew, and the House adjourned.

TUESDAY, Dec. 28, 1841.

The House met pursuant to adjournment.

Mr. Crawford introduced a bill to alter and amend the corporate limits of the town of Irwinton.

Mr. Jones of Covington introduced a bill to repeal an act therein named.

Which bills were severally read the first and second times forthwith, and the rule being suspended, they were read the third time, considered as engrossed and passed.

Ordered that the titles be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

Mr. Jones of Cov. presented an account, which was read and referred to the committee on accounts.

Mr. Taylor presented the petition of citizens of Marion county, which was read and referred to the committee on education.

Mr. Kennedy called up the bill to authorize the citizens of township 1, range 10 west, to cancel a contract therein named, which was read the second time and referred to the committee on education.

A message from the Governor by Mr. Harrison :

Mr. Speaker : His Excellency the Governor, did on this day approve and sign bills of the following titles.

An act to declare the Noxubee river a public highway.

An act to change the time of holding the county courts of Tallapoosa county.

An act to levy a special tax for the county of Autauga, and for other purposes.

An act to require the sheriff of Perry county to sell property levied on by him in that portion of said county east of the Cahaba river, in the town of Perryville.

An act to allow Edwin Robinson to erect a gate or gates across a road therein named.

Also, joint resolutions in relation to the county of Cherokee and for other purposes.

Which bills originated in the House of Representatives.

Mr. McMillion of Jefferson, from the select committee to whom was referred the bill to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river and for other purposes, approved February 9th, 1839, reported the same without amendment.

Mr. Mitchell moved to amend by way of an additional section, which was lost.

The bill was read the second time.

A message from the Senate by Mr. Clitherall :

Mr. Speaker : The Senate has passed the following bills from the House of Representatives.

An act to extend the jurisdiction of justices of the peace, in certain cases.

An act to authorize James Bates to erect a toll bridge across Bates' creek, and have amended the same as therein shown.

The Senate concur in all of the amendments of the House to an act to prevent frauds in elections, except the last, to which they disagree.

The Senate concurs in the amendments made by the House to an act in relation to prairie roads in the counties of Montgomery and Lowndes.

The Senate has also originated and passed the following bills :

An act to compensate Robert Fenner and others, and for other purposes.

An act to amend an act entitled an act to amend the laws for the collection of taxes in the county of Marengo.

An act to appropriate in part the two per cent. fund.

An act to reduce the pay of public printer.

Also, joint resolutions in relation to mail stage route through Irwinton to Mobile.

In which they ask the concurrence of the House of representatives.

Mr. Crenshaw made the following report :

The committee on enrolled bills have examined, and find correctly enrolled,

An act to incorporate the Stockton steamboat and warehouse company in the county of Baldwin.

An act in relation to certain school lands in Talladega, purchased by F. Hall, R. R. Chilton and others in Benton county.

An act to provide for a special term of the chancery court at Moulton.

Joint resolutions of the General Assembly of the State of Alabama, concerning purchasers of 16th sections.

Bills from the Senate of the following titles :

An act to revive the charter of incorporation of the town of Uniontown in Perry county.

An act to revive and continue in force an act to levy a special tax for the county of Morgan, approved 9th Jan. 1841.

An act for the relief of Joshua Shamberger of Sumter county.

Were severally read the first and second times forthwith—the rule being suspended, they were read the third time and passed.

Ordered that the titles be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

Ordered that the House concur in the amendments made by the Senate to the bill to regulate the compensation of witnesses and jurors in the county of Clarke.

Also, to the bill to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein named, and for other purposes.

Bills from the Senate of the following titles :

An act in reference to the duties of clerks of the county courts in this State, and to dispense with deeds of conveyance at commissioners sales of real estate.

An act for the relief of major Weatherford.

And, joint resolutions of the General Assembly of Alabama, in relation to an act of the Congress of the United States, entitled an act to distribute the proceeds of the sales of the public lands and to grant pre-emption rights to settlers, approved Sept. 4th, 1841.

Were severally read the first time and ordered to a second reading.

Bills from the Senate of the following titles :

An act to extend the time of holding the spring terms of the circuit courts for the county of Macon.

And, an act more effectually to punish the owners and occupants of houses kept for gaming.

Were read the first time and ordered to lie on the table:

Ordered, that the House disagree to the amendments made by the Senate to the bill to change the time of holding the spring terms of the circuit courts of certain counties therein named.

The bill from the Senate to compensate John M. Cooper, a contractor, for work done on the Tombeckbee river and for other purposes, was read the first and second times and referred to the committee on internal improvement.

Mr. Mitchell made the following report :

The committee on enrolled bills have examined and found correctly enrolled,

An act to provide for digesting the laws of the State of Alabama.

Message from the Senate by Mr. Clitherall :

Mr. Speaker : The Senate concurs in the amendments made by the House to the bill to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein, and have amended the amendment of the House, as therein shown.

In which they ask the concurrence of the House.

The bill from the Senate to compel the bank of the State of Alabama, and the branch banks at Huntsville, Decatur and Montgomery, to keep their accounts with the branch bank at Mobile, was read the first and second times forthwith.

Mr. Ware moved to amend it as follows :

Provided, that this act shall not be so construed as to be obligatory on the interior banks, unless the branch bank at Mobile will do their business on as good terms as any other bank at Mobile.

The question was on ordering the bill to a third reading and decided in the affirmative—yeas 44, nays 22.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud. Alexander of Low. Allen, Barron, Bishop, Chiles, Crenshaw, Davenport, Davis of B. Erwin, Gardner, Garland, Gresham, Hammond, Haughton, Hendricks, Henry, Henslee, Hunter, James, Jones of Con. Jones of Cov. Jefferson, Justice, Kennedy, Mason, B. McAlpin, McLe-more, Moors, Morgan, Norman, Norwood, Randolph, Rodgers, Rushing, Smith of L. Smith of T. Spruell, Storrs, Valliant, Walker of B. Winston and Woodward.

Those who voted in the negative are, messrs. Speaker, Armbrister, Barker, Bradley, Cain, Clemens, Crawford, Griffin of M. Heflin, Houston, Jones of M. Jenison, Marchbanks, R. C. McAlpin, S. McAlpin, Mitchell, Musgrove, Norris, Phillips, Smith of J. Ware and Wynn.

The House then adjourned until half-past 3 o'clock this afternoon.

AFTERNOON SESSION, half-past 3 o'clock.

The House met pursuant to adjournment.

The House proceeded to the consideration of the bill from the Senate to divide the State of Alabama into three chancery divisions, and for other purposes.

The bill was read the second time.

Mr. Hammond moved to amend the first section of the bill by striking out the word 'three,' with the view to insert the word 'two,'—which was lost—yeas 26, nays 43.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud. Armbrister, Barker, Bishop, Clemens, Garland,

Griffin of J. Griffin of M. Hammond, Heflin, Hendricks, Henslee, Jones of Cov. Jones of M. Jefferson, Marchbanks, Mason, McMillion of B. Musgrove, Norris, Randolph, Rodgers, Smith of J. Valliant, Winston and Wynn.

Those who voted in the negative are, messrs. Speaker, Alexander of Low. Allen, Barron, Bradley, Cain, Chiles, Crawford, Davis of B. Erwin, Gardner, Gresham, Haughton, Henry, Hogan, Houston, Hunter, James, Jones of Con. Jemison, Justice, Kennedy, Kidd, B. McAlpin, R. C. McAlpin, McLemore, Moore, Moors, Morgan, Norman, Norwood, Perkins, Phillips, Rushing, Smith of L. Smith of T. Spruell, Steele, Storrs, Walker of B. Ware, Woodward and Young.

The question was on ordering the bill to a third reading.

Mr. Walker of Benton, moved that it be made the special order of the day for to-morrow, at the hour of 11 o'clock.

The question being divided, the vote was first taken on ordering the bill to a third reading, and carried—yeas 45, nays 24.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Low. Allen, Barron, Bradley, Cain, Chiles, Crawford, Davis of B. Erwin, Gardner, Garland, Gresham, Haughton, Hendricks, Henry, Hogan, Houston, Hunter, James, Jones of Con. Jemison, Justice, Kennedy, Kidd, B. McAlpin, R. C. McAlpin, McLemore, Moore, Moors, Morgan, Norman, Norwood, Perkins, Phillips, Rushing, Smith of L. Smith of T. Spruell, Steele, Storrs, Walker of B. Wallace, Ware and Woodward.

Those who voted in the negative are, messrs. Armbrister, Barker, Bishop, Clemens, Griffin of J. Griffin of M. Hammond, Heflin, Henslee, Jones of Cov. Jones of M. Jefferson, Marchbanks, Mason, McMillion of B. Musgrove, Norris, Randolph, Rodgers, Smith of J. Valliant, Winston, Wynn and Young.

Upon a question of order,

Mr. Speaker decided that Mr. Walker's motion, to make the bill the special order of the day for to-morrow at 11 o'clock, was in order.

From which decision Mr. Clemens appealed.

The question then was,

Shall the decision of the chair stand as the judgment of the House?

And decided in the affirmative—yeas 48, nays 12.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Low. Allen, Barker, Bishop, Bradley, Chiles, Crawford, Davis of B. Erwin, Gardner, Gresham, Griffin of M. Haughton, Hendricks, Henry, Hogan, Jones of Con. Jones of Cov. Justice, Kennedy, Kidd, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B. Mitchell, Moors, Morgan, Musgrove, Norman, Norris, Norwood. Perkins, Phillips, Rice, Rodgers, Rushing, Smith of J. Smith of L. Smith of T. Spruell, Steele, Storrs, Walker of B. Wallace, Ware, Winston and Woodward.

Those who voted in the negative are, messrs. Alexander of Laud. Bishop, Cain, Clemens, Heflin, Henslee, Houston, James, Jones of M. Randolph, Valliant and Wynn.

The question then was on making the bill the special order of the day for the hour of 11 o'clock on to-morrow morning, and carried—yeas 34, nays 29.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Low. Barron, Bradley, Chiles, Crawford, Davis of B. Erwin, Gardner, Gresham, Haughton, Henry, Houston, James, Jones of Con.

Jemison, Kennedy, Kidd, B. mcAlpin, R. C. mcAlpin, mcLemore, moors, Morgan, Norman, Perkins. Phillips, Rushing, Smith of L. Smith of T. Spruell, Steele, Walker of B. Wallace, Ware and Woodward.

Those who voted in the negative, are messrs. Speaker, Alexander of Laud. Allen, Armbrister, Barker, Bishop, Cain, Clemens. Griffin of J. Griffin of M. Hammond, Heflin, Hendricks, Hens'lee, Jones of Cov. Jones of M. mcMillion of B. mitchell, musgrove, Norris, Norwood, Randolph, Rice, Rogers, Smith of J. Storrs, Valliant, Winston and Wynn.

A message from the Senate by mr. Clitherall:

Mr. Speaker: The Senate originated and passed joint resolutions, authorizing the Governor to appoint a suitable person to go to Washington city to urge and settle the claims of this State against the General Government, growing out of the late Creek Indian hostilities.

In which the concurrence of your honorable body is respectfully asked.

And then the House adjourned until half-past 6 o'clock this evening.

NIGHT SESSION, half-past 6 o'clock.

The House met pursuant to adjournment.

Mr. Barron offered the following resolutions, which were read and ordered to lie over one day.

Resolved, that no more business in the shape of bills shall be introduced into this House the balance of this session.

Resolved, that the Speaker shall not be required to call out the counties alphabetically for petitions and bills, but shall call for petitions generally, each morning after the reading of the Journal.

The Senate, by invitation from the clerk, then repaired to the Hall of the House, and the two houses then proceeded to the election of a President and six directors for the State bank at Tuscaloosa and branch bank at Montgomery.

Mr. Dent placed in nomination, the name of JOHN MARRAST, for President, and in pursuance of the late act of the Legislature, submitted in writing, the following statement.

Dr. John Marrast's entire indebtedness, is \$4,258 00 in the State Bank at Tuscaloosa, as principal, this includes his entire liability to the bank of the State and its branches, as principal, acceptor, endorser or security.

Dr. Marrast has been President of the Bank of the State of Alabama for two years past, and has given so far as we can ascertain, full satisfaction, and the delegation are unanimous in recommending his re-election.

D. DENT, *of the Senate.*

R. JEMISON,

J MITCHELL,

H. PERKINS,

*of the House of Representatives.*

Those who voted for mr. marrast, are messrs. President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King Lea, mcAllister. mcClanahan, mcConnell, Oliver, Phillips, Ross, Reese, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack of the Senate; Messrs. Speaker, Alexander of Laud. Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M. Griffin of S., Hammond, Harris, Haughton, Heflin,



Henslee, Houston, Hunter, James, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rogers, Rushing, Scott, Smith of J. Smith of L. Smith of T. Spruiell, Steel, Storrs, Valliant, Walker of B. Walker of L. Wallace, Ware, Woodward, Wynn and Young of the House.—103.

Mr. Marrast having received the whole number of votes given, Mr. Speaker declared him duly elected President of the Bank of the State of Alabama.

The two houses next proceeded to the election of six directors for said bank of the State of Alabama, at Tuscaloosa.

Mr. Perkins placed in nomination for Director, the name of William Clare, and according to law, submitted in writing the following statement.

Mr. Speaker, I ask leave to present William Clare, as a candidate for director of the bank of the State of Alabama; he informs me that he owes the State bank on his own account, \$200 and about \$300 dollars as security, and a little upward of \$2000 as security in the Branch Bank at Mobile, and he also informs me that his property far exceeds all his liabilities.

H. PERKINS.

December 26, 1841.

Mr. Clare has been a Director for two years, and was faithful and honest in the discharge of his duties, so far as I am informed.

H. PERKINS.

Mr. Smith of Tuscaloosa, placed in nomination for Director, the name of Marion Banks, and according to law, submitted in writing, the following statement.

Mr. Speaker, I ask leave to nominate for Director of the bank of the State of Alabama, Marion Banks of Tuscaloosa County. Mr. Banks is not indebted to any of the banks of this State, in any sum whatever; nor liable to any of them, either for himself or any one else. He is a citizen of high reputation, of most untarnished character—is well qualified to discharge the duties of Director, and has ample unincumbered resources; he is looked upon as one of the most substantial citizens in this community.

Wm. R. SMITH.

We fully concur in the statement above made.

DENNIS DENT;  
J. MITCHELL,  
R. JEMISON,  
H. PERKINS.

Mr. Smith of Tuscaloosa also placed in nomination for Director, the name of Robert Ellison, and according to law, submitted in writing, the following statement:

*Mr. Speaker:* I ask leave to nominate Robert Ellison, as a candidate for Director of the bank of the State of Alabama. Mr. Ellison is not indebted to any of the Banks of this State, and is in no way liable to any of them either for himself or any body else. He is a man of high reputation—of unex-

ceptionable character, well qualified to discharge the duties of the office of Director, and is in possession of an ample and unencumbered estate.

Wm. R. SMITH.

We fully concur in the statement above made.

DENNIS DENT,  
J. MITCHELL,  
R. JEMISON,  
H. PERKINS.

Mr. Jemison placed in nomination for Director, the name of Mr. E. B. Vaughn, and according to law, submitted the following statement in writing:

*Mr. Speaker :* I ask leave to place in nomination for the appointment of Director of the bank of the State of Alabama, the name of E. B. Vaughn ; agreeable to the provisions of the late act upon the subject, I submit the accompanying statement of Mr. Vaughn's liabilities to the banks, and of his solvency, &c., from which it will appear that he is not under protest.

R. JEMISON.

E. B. Vaughn's liabilities as principal and security to the Bank of the State of Alabama.

*Tuscaloosa, December 28, 1841.*

On W. Bank's note, due March 6, 1842.	- - - - -	\$399 00
On John Marrast's note, April 20, 1842,	- - - - -	4,258 00
On Wm. Marrast's note, due June 4, 1842,	- - - - -	54 00
On Elijah Shelton's note, due April 25, 1842.	- - - - -	280 00
On W. Bank's note, due May 16, 1842,	- - - - -	560 00
On J. W. Thomason's note, due June 4, 1842,	- - - - -	1,453 00
On R. Haywood's bill, due March 2, 1842.	- - - - -	291 58
On J. H. Parker's bill, due March 24, 1842,	- - - - -	368 00
On J. Glascock's bill, due March 8, 1842,	- - - - -	1,000 00
On J. Patton's note, due May 27, 1842,	- - - - -	1,471 00
On J. Patton's note, due May 27, 1842,	- - - - -	2,896 00
On A. J. Kidd's note, due June 4, 1842,	- - - - -	445 00
On D. C. Hewill's note, due June 4, 1842,	- - - - -	1,926 00
On D. C. Hewill's note, due May 9, 1842,	- - - - -	1,687 00
On R. H. Lewis' note, due April 25, 1842,	- - - - -	1,175 00

\$18,265 58

All the notes above mentioned, were extended under the law of Feb. 1840, and are due during the year 1842, for the curtailments (20 per cent.) only and interest.

Mr. Vaughan owes no bank on his own account, and his liabilities as above, do not lessen his solvency, as the persons are all of them fully responsible for their debts without his name. If elected, he will immediately reduce his liabilities within the amount limited by law.

Mr. Vaughn is an extensive and successful planter, as well as a good and safe merchant, and regarded by all who know him, as one of the most prudent and safe men in business amongst us, and in every way highly responsible and trust worthy, and eminently qualified to discharge the duties of Director.

We would further state that the foregoing constitute pretty nearly the whole of Mr. Vaughn's liabilities in or out of bank, and that if he had the whole amount to pay, (no part of which there is any likelihood of his having to pay,) he could do it without very serious inconvenience or embarrassment.

R. JEMISON,  
J. MITCHELL,  
DENNIS DENT,  
H. PERKINS,  
W. R. SMITH.

Mr. Dent placed in nomination for Directors of the Bank of the State of Alabama, the following names, to wit : Mr. James Hogan, James Gould, John Owen and Joel White, they being the old Directors of said bank, and according to law, submitted in writing the following statement :

The above named gentlemen are, and have been directors for the bank of the State of Alabama for some years past, they have, as far as we know, given general satisfaction and would still do so if re-elected. They are all resident citizens of the town of Tuscaloosa, and have been for upwards of twenty years, with the exception of Mr White, who has resided here upwards of ten years ; they are all respectable, safe, prudent men in business and fully able to meet their liabilities in or out of the bank.

James Hogan owes on his own account \$5,000 and not liable for any other person.

James Gould does not now, nor ever has, owed the bank since he has been a director.

John Owen owes seven thousand four hundred dollars ; five thousand of which he has assumed for another, and not a contract originally of his own.

Joel White owes on his own account,	- - - - -	\$2,369 00
His liabilities as endorser for others,	- - - - -	1,269 00
		<hr/> \$3,638 00

Neither of the above gentlemen are under protest.

Also, the following annexed statement in writing, nominating messrs Marion Banks, James H. Dearing, James Sommerville and Robert Ellison.

The above named gentlemen are all resident citizens of the city and its immediate vicinity, and are highly respectable and competent for Directors in the bank of the State if elected ; they are unincumbered, and several of them are men of considerable property and all fully able to meet their liabilities.

Capt. Dearing was a director in this bank from the year 1825 to 1832.

Robert Ellison is not indebted to the bank on his own account or on account of any other person.

Marion Banks is not indebted to the bank on his own account or on account of any other person.

James Somerville is indebted to the bank on his own account \$680, and as endorser for others \$9,025.

The above under protest.

James Dearing is indebted to the bank in the sum of \$847—as endorser for others, \$3,000.

D. DENT, *of the Senate.*  
R. JEMISON,  
J. MITCHELL,  
H. PERKINS,

*of the House of Representatives.*

Those who voted for Mr. Banks are, messrs President, Alston, Andress, Baylor, Buford, Creagh, Dailey, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McVay, Oliver, Phillips, Ross, Toulmin and Watrous of the Senate; and messrs. Alexander of Laud. Alexander of Low., Allen, Armbrister, Bradley, Cain, Chiles, Clemens, Crenshaw, Crawford, Davis of B. Erwin, Gardner, Garland, Gresham, Griffin of M. Griffin of S. Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Houston, Hunter, James, Jones of Con. Jones of Cov. Jefferson, Jemison, Justice, Kennedy, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mcmillion of J. Mitchell, Moore, moors, morgan, musgrove, Norris, Norwood, Perkins, Phillips, Randolph, Rogers, Rushing, Scott, Smith of J. Smith of L. Smith of T. Spruell, Steele, Storrs, Valliant, Walker of B. Wallace, Ware, Winston, Woodward, of the House.—84.

Those who voted for Mr. Clare, are Messrs. President, Baylor, Creagh, Hall, Hudson, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, and Toulmin, of the Senate; and messrs. Alexander of Laud., Armbrister, Bishop, Chiles, Clemens, Erwin, Garland, Griffin of J. Haughton, Henry, Henslee, Hogan, Mason, B. McAlpin, Mcmillion of B. Moore, morgan, musgrove, Phillips, Rice, Smith of J. Smith of L. Steele and Taylor of the House.—40.

Those who voted for Mr. Dearing, are messrs. President, Alston, Andress, Baylor, Buford, Foster, Hall, Hunter, Lea, McAllister, McClanahan, McVay, Oliver, Phillips, Reese, Rodgers, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Cain, Cochran, Crawford, Davenport, Garland, Griffin of J. Griffin of M. Hammond, Haughton, Heflin, Hendricks, Houston, Hunter, Jones of Con. Jones of Cov. Jefferson, Kidd, Marchbanks, B. McAlpin, S. McAlpin, McLemore, Mcmillion of J. Moore, morgan, musgrove, Norman, Phillips, Randolph, Rushing, Smith of J. Smith of L. Steele. Taylor, Walker of B. Walker of Law. Wallace, Winston, and Wynn.—65.

Those who voted for Mr. Ellison are, messrs. Clarke, Creagh, Hall, Jones, McAllister, McConnell, Oliver, Phillips, Reese, Thornton, Toulmin, Turner, Wilson of J. and Womack, of the Senate; and messrs. Alexander of Laud. Alexander of Low. Allen, Armbrister, Bishop, Chiles, Cochran, Crenshaw, Crawford, Davenport, Erwin, Gresham, Griffin of J. Henry, Hogan, Houston, Hunter, Kennedy, B. McAlpin, Mcmillion of B. Mcmillion of J. Moore, Norman, Perkins, Randolph, Rice, Rodgers, Smith of T. Steele, Storrs, Troup, Valliant, Walker of B. Walker of Law. Wallace, Winston, Woodward, Wynn and Young, of the House.—53.

Those who voted for Mr. Guild are messrs President, Alston, Andress, Baylor, Buford, Clarke, Creagh, Dailey, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Ross, Rodgers,

Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack of the Senate; and messrs. Speaker, Alexander of Laud. Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B. Gardner, Garland, Gresham, Griffin of S. Hammond, Harris, Haughton, Hendricks, Henry, Heflin, Henslee, Hogan, Houston, James, Jones of Con. Jones of Cov. Jefferson, Jemison, Justice, Kidd, Marchbanks, mason, B. mcAlpin, R. mcAlpin, S. mcAlpin, mcLemore, mcMillion of B. mcMillion of J. Mitchell. Moors, Morgan, Musgrove, Norman, Norris, Norwood, Randolph, Rice, Rushing. Rodgers, Scott, Smith of J. Smith of L. Smith of T. Spruell, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Woodward, Wynn and Young, of the House—98.

Those who voted for mr Hogan are, messrs. Alston, Andress, Baylor, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Hunter, Jones, King, Lea, mcAllister, McConnell, mcClanahan, mcVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs. Speaker, Alexander of Lowndes. Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crenshaw, Davenport, Davis of B. Erwin, Gardner, Garland, Gresham, Griffin of J. Griffin of m. Griffin of S. Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Jones of Con. Jones of Cov. Jefferson, Jemison. Justice, Kidd, Marchbanks, mason, B. mcAlpin, S. mcAlpin, mcLemore, mcMillion of J. Mitchell, moore, moors, Norman, Norris, Norwood, Perkins, Randolph. Rice, Rodgers, Scott, Smith of J. Smith of T. Spruell, Storrs, Taylor, Troup, Valliant, Walker of L. Wallace, Ware, Winston and Young, of the House—90.

Those who voted for mr. Owen are, messrs. President, Andress, Baylor, Buford, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Hunter, Jones, King, Lea, mcAllister, mcClannahan, mcConnell, mcVay, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs. Speaker, Alexander of Laud., Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Bradley, Chiles, Clemens, Davis of B. Gardner, Griffin of J. Griffin of m. Griffin of S. Hammond, Harris, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, Jones of Cov. Jones of Con. James, Jefferson, Jemison, Justice, Kidd, Marchbanks, Mason, R. C. mcAlpin, S. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Moors, Morgan, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Scott, Smith of J. Smith of L. Spruell, Steele, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Ware, Woodward, Wynn and Young, of the House.

Those who voted for mr. Somerville are, mr. Toulmin of the Senate; and messrs. Cochran, Crawford, Hunter, Kennedy, mcLemore, Mitchell, Rushing, Smith of T. and Wallace, of the House.

Those who voted for mr. Vaughan are, messrs. Alston, Buford, Clarke, Dailey, King and Turner, of the Senate; and messrs. Speaker, Alexander of L. Barker, Barron, Bradley, Cain, Crenshaw, Davis of B. Erwin, Gardner, Gresham, Griffin of m. Griffin of S. Harris, Hendricks, James, Jemison, Justice, Kennedy, Marchbanks, R. C. mcAlpin, Mitchell, Moors, Morgan, Musgrove, Norris, Norwood, Perkins, Phillips, Rogers, Scott, Spruell, Troup, Ware, Woodward, Wynn and Young, of the House.

Those who voted for mr. White are, messrs. President, Alston, Andress, Bu-

ford, Clarke, Dailey, Hudson, Hunter, Jones, King, Lea, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Watrous, Wilson of J. and Womack, of the Senate; and messrs. Speaker, Allen, Barker, Bradley, Barron, Cain, Chiles, Clemens, Cochran, Crawford, Crenshaw, Davenport, Davis of B. Erwin, Gardner, Garland, Gresham, Griffin of M. Griffin of S. Hammond, Harris, Heflin, Hendriks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of Gov. Jefferson, Jemison, Justice, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of J. Moore, Moors, Norman, Norris, Norwood, Perkins, Phillips, Rice, Rushing, Scott, Smith of L. Smith of T. Spruell, Steele, Taylor, Storrs, Troup, Valliant, Walker of B. Walker of L. Wallace, Ware, Winston, Woodward, Wynn and Young, of the House—93.

messrs. Banks, Dearing, Guild, Hagan, Owen and White, having received a majority of the whole number of votes given, Mr. Speaker declared them duly elected directors of the bank of the State of Alabama at Tuscaloosa, for the term prescribed by law.

The two houses next proceeded to the election of President for the branch of the bank of the State of Alabama at Montgomery.

Mr. Oliver placed in nomination the name of JOHN MARTIN for that office, and in obedience to an act of the general assembly upon that subject, submitted the following statement:

John Martin owes as principal, with Organ Tatum and B. Fitzpatrick as securities, \$2,025 48.

Thomas Durden as principal, William H. Hansford, John Martin, Delia Durden and William Gause as securities, \$4,378 62

We the undersigned have made the above report from the bank report of the liabilities of the President and directors of the branch bank at Montgomery, and have no hesitancy in saying that we believe John Martin solvent and capable to act as President of the branch bank at Montgomery.

SAMUEL C. OLIVER,  
ROBERT J. WARE, and  
JOHN STEELE.

Those who voted for Mr. Martin are, messrs. President, Alston, Andress, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs. Speaker, Alexander of Loud. Alexander of Low. Allen, Armbrister, Barron, Barker, Bishop, Bradley, Cain, Chiles, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Garland, Gresham, Griffin of J. Griffin of M. Hammond, Harris, Heflin, Haughton, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con. Jones of Gov. Jefferson, Jemison, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of B. Mitchell, Moore, Moors, Morgan, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Scott, Smith of J. Smith of L. Smith of T. Steele, Storrs, Troup, Valliant, Walker of B. Walker of Law. Ware, Woodward, Wynn and Young, of the House.

Mr. Martin having received the whole number of votes given, Mr. Speaker declared him duly elected President of the branch bank at Montgomery.

The two Houses next proceeded to the election of six directors for the branch bank at Montgomery.

Mr Phillips of the Senate, put in nomination the name of Jeremiah Pitman, and in relation thereto, made the following statement:

In pursuance of an act of the general assembly, we make the following statement of the indebtedness of J. Pitman to the bank of the State of Alabama and its several branches:

He is indebted to the State bank as principal,	:	\$2,000 00
Said note is under protest.		

As security for H. H. Comally and Wm. Waddill, jr., in two notes each, for two hundred dollars, both in suit; branch bank at mobile.

He is indebted as principal to the branch bank at Montgomery, with John W. Jones and Tho's J. Rice as securities, note not due, for	\$650 00
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As security for John W. Jones, with R. R. Minter, branch bank at mobile, not due,	:	:	:	:	:	\$536 70
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Total liability,	\$1,786 70
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We do not find from reports that he has any other liabilities in any of the banks; the foregoing debts are well secured, all the parties being good.

From our long acquaintance with Mr Pitman, we feel authorised to state that he is a man of strict integrity, business habits, and would make a safe and competent director.

WM. S. PHILLIPS,  
DAN'L H. NORWOOD,  
WM. H. NORRIS.

Mr Morgan placed in nomination for director, the name of Leander Bryan, and according to law submitted in writing the following statement:

Leander Bryan's liabilities are as follows:

He is principal on a note for \$667 70, not yet due; he is also security on a note for \$270, not yet due; he is also security in three several extension notes, not yet due, amounting in all to about \$700; all of which sums he is abundantly able and ready to pay at maturity.

He is also security on a certain bill of exchange discounted at the Montgomery branch bank. for the Wetumpka and Coosa rail road company for \$2,000; which bill the said company is contesting at law; said Bryan is entirely solvent, and has the highest testimonials for competency, integrity and moral worth.

WM. S. MORGAN, of Autauga.

I have known Leander Bryan for seventeen years; in my opinion he is well qualified for the office of bank director. No man of my acquaintance stands higher in the community, where he is known, than Capt. Bryan. He is competent to discharge the duties of the office, and is entirely responsible.

JAMES CHILES, of Greene county.

Mr Morgan also placed in nomination for director, the name of Edward Clarke, and according to law submitted in writing, the following statement:

Edward Clarke is endorser on a note for about \$500, due at the branch bank at Montgomery, which is all that I can find on the bank books; it is all that he is liable for any way, and I believe his moral worth is equal to any man.

WM. S. MORGAN, of Autauga,  
JOHN STEELE.



Mr McLemore placed in nomination for director, the name of Doctor Wm. O. Baldwin, and as required by law, submitted in writing the following statement:

Doctor Wm. O. Baldwin does not owe the State bank, nor any of its branches, a dollar, neither as principal or as security. He is free from all embarrassments, and is entirely responsible. He is one of the present board of directors, and has given general satisfaction. He is a young man of good moral character, and is honest and capable of discharging the duties of director; he lives in the city of Montgomery.

CHARLES McLEMORE, of Chambers,  
WM. S. MORGAN, of Autauga,  
GEO. REESE, of Chambers,  
R. J. WARE, of Montgomery,  
L. GRESHAM, of Tallapoosa,  
JOHN L. HUNTER, of Barbour,  
N. J. SCOTT, of Macon.

Mr Oliver placed in nomination for director, the name of Robert T. Ashurst, and according to law, submitted in writing the following statement:

Robert T. Ashurst, as principal; securities, R. J. W. Crockett & H. M. Coffee,	\$3,409 70
James Welsh, principal; R. J. W. Crockett and R. T. Ashurst as securities,	1,751 72
Total. : : : :	\$5,161 12

Taken from the bank report by the undersigned.

We believe R. T. Ashurst solvent, and well calculated for a director; judging from his correct deportment heretofore as director in the bank at Montgomery.

Signed,

R. J. WARE,  
S. C. OLIVER.

Mr Oliver placed in nomination the name of Wm. H. Pollard for director, and according to law, submitted in writing the following statement:

Wm. H. Pollard principal on extension notes; Tho's B. Maddox, George C. Ball, as securities, : : : :	\$346 50
Wm. H. Pollard, principal; C. T. Pollard and C. Ball, securities,	1,006 89
On bills of exchange not due; Wm. H. Pollard, principal; Cyrus Phillips and B. S. Bibb, securities, : : :	\$784 23
Bill of exchange, same principal and securities, :	3,343 24

We are authorised to say that Wm. H. Pollard will want no bank accommodations, and we have no hesitancy in saying, that he is solvent and capable to discharge the duties of bank director. He lives in Montgomery.

Signed,

ROBERT J. WARE,  
SAMUEL C. OLIVER.

Mr Scott placed in nomination the name of Charles A. Abercrombie, and according to law, submitted in writing the following statement:

Mr Speaker, I ask leave to nominate Charles A. Abercrombie. His indebtedness as principal is as follows:

To the branch bank at Montgomery,	:	:	:	\$1,350 00
As security for Augustus Darby on note,	:	:	:	320 00
“ John Barclay, “	:	:	:	450 00
“ M. J. Wilkins, “	:	:	:	1,500 00
“ J. C. Abercrombie, “	:	:	:	560 00
“ Ja's Abercrombie, “	:	:	:	2,000 00
Endorser on bill of exchange drawn by J. U. Baldwin,				6,390 00

The bill of exchange above stated, is also endorsed by James Baldwin, and accepted by Charles J. Mitchell, and was discounted in October last, at ninety days. None of the above paper is due, and all of it is well secured, beyond a doubt. We believe Charles A. Abercrombie, from our long acquaintance, a strictly honest man, and that he will make a safe and competent director. He is not indebted to any of the other banks.

WM. S. PHILLIPS,  
N. J. SCOTT,  
B. D. HARRIS,  
F. G. McCONNELL,  
LEROY GRESHAM,  
CHARLES McLEMORE,  
R. J. WARE.

Mr Reese placed in nomination for director, the name of Robert E. Cox, and as required by law, submitted in writing the following statement:

Robert E. Cox's liabilities to the State bank and branches are, as principal,	:	:	:	:	:	:	:	\$2,085 57
As security,	:	:	:	:	:	:	:	2,450 10

All of which is amply secured. He is not under protest on his own account; is under protest as security. He has been bred a merchant, and has lived in Alabama nineteen years; is not indebted to any bank in or out of the State, except as above named; is now a member of the board of directors, and has given unusual satisfaction, to both town and country; is a gentleman of unsuspected integrity; of steady and business habits, and we do not hesitate to recommend him as a safe and acceptable director for the branch bank at Montgomery.

GEO. REESE,  
F. G. McCONNELL,  
J. R. CLARKE.

Tuscaloos, Dec. 28th, 1841.

So far as I have ascertained, I believe Mr Cox has made an active and efficient officer.

SAM'L C. OLIVER,  
R. J. WARE.

Mr Hunter placed in nomination for director, the name of Horatio G. Harbin, and in obedience to law, submitted in writing, the following statement:

Indebtedness of Mr Harbin, direct,								
to the branch bank at Montgomery,	:	:	:	:	:	:	:	\$750 00
“ “ Mobile,	:	:	:	:	:	:	:	\$1,700 00

Is endorser on the bill of Walker Mundy, negotiated in the State bank, at-

cepted in the city of mobile, : : : : \$1,000 00  
 Bill of J. S. Hunter, accepted as above, : : : : 3,000 00  
 Both bills well secured. Mr Harbin is capable, wealthy, firm and up-  
 right; is twenty-one miles from the bank.

J. S. HUNTER, Senator from Lowndes.

December 28th, 1841.

CAPITOL, Tuscaloosa.

I accord in the above.

PEYTON S. ALEXANDER, from Lowndes.

Mr Buford placed in nomination for director, the name of Wm. K. Buford, and as directed by law, submitted in writing the following statement:

Wm. K. Buford is a merchant and planter; resides in Montgomery. I have carefully examined the mobile and montgomery bank reports, and find no liability. I believe he is not indebted to any bank; his will and ability both, (I have no doubt) greatly exceeds all his liabilities of any kind; his character is unexceptionable, and he is remarkable for energy and business habits; he is competent; he is no candidate, but I am authorised to say, if elected, he will faithfully discharge the duties of Director.

JEF. BUFORD.

I cheerfully concur in regard to the business habits and character of Mr Wm. K. Buford.

SAM'L C. OLIVER,  
 R. J. WARE.

MESSRS CHA'S A. ABERCROMBIE, ROBERT S. ASHURST, WM. O. BALDWIN, LEANDER BRYAN, WM. K. BUFORD, EDWARD CLARK, R. E. COX, H. G. HARBIN, WM. H. POLLARD, and JERRY PITMAN, being in nomination.

Those who voted for Mr Abercrombie are, messrs President, Alston, Andress, Baylor, Buford, Clarke, Creagh, Dent, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Watrous and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Barker, Barron, Bishop, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Garland, Gresham, Griffin of J., Gaiffin of S., Harris, Haughton, Hendricks, Henry, Hogan, Houston, Hunter, Jones of Cov., Jefferson, Jamison, Justice, Kennedy, Kidd, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Rice, Rushing, Scott, Smith of S., Steele, Storrs, Valliant, Walker of B., Ware, Woodward and Young, of the House—81.

Those who voted for Mr Ashurst are, messrs Alston, Andress, Buford, Hall, Hunter, Jones, Lea, McAllister, McVay, Oliver, Phillips, Ross, Thornton and Womack, of the Senate; and messrs Speaker, Barron, Bradley, Cain, Chiles, Cochran, Crenshaw, Crawford, Gresham, Griffin of J., Griffin of M., Griffin of S., Harris, Haughton, Henry, James, Jones of Con., Jefferson, Jamison, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Moors, Musgrove, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rushing, Scott, Smith of J., Smith of L., Spruill, Storrs, Troup, Walker of B., Ware, Woodward and Young, of the House—64.

Those who voted for Mr Baldwin are, messrs President, Andress, Buford,

Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, Lea, mcAllister, mcClanahan, mcConnell, mcVay, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Turner, Wilson of J. and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Haughton, Harris, Heflin, Hendricks, Henry, Hogan, Hunter, James, Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, B. mcAlpin, R. C. mcAlpin, mcLemore, Mitchell, Moore, Moors, Morgan, Musgrove, Norman, Norris, Perkins, Phillips, Randolph, Rushing, Scott, Smith of J., Smith of L., Smith of T., Spruell, Steele, Storrs, Troup, Valliant, Walker of B., Woodward and Wynn, of the House—94.

Those who voted for mr Bryan are, messrs Alston, Baylor, Clarke, Dent, Hall, King, Lea, mcClanahan, mcConnell, mcVay, Phillips, Reese, Thornton, Watrous, Wilson of J. and Womack, of the Senate; and messrs Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Hogan, Henslee, James, Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, B. mcAlpin, R. C. mcAlpin, mcLemore, Mitchell, Moore, Moors, Morgan, Musgrove, Norman, Norris, Perkins, Phillips, Randolph, Rice, Smith of J., Smith of T., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Woodward, Wynn and Young, of the House—81.

Those who voted for mr Buford are, messrs President, Alston, Baylor, Buford, Dent, Foster, Hudson, King, Lea, mcAllister, mcClanahan, Oliver, Rodgers and Watrous, of the Senate; and messrs Alexander of Lowndes, Chiles, Clemens, Cochran, Davenport, Gardner, Hammond, Heflin, Hendricks, Hunter, Justice, Kennedy, Mason, S. mcAlpin, Smith of T., Ware and Young, of the House—33.

Those who voted for mr Clarke are, messrs President, Baylor, Clarke, Creagh, Hall, Jones, mcAllister, Rodgers, Toulmin and Turner, of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Garland, Hammond, Haughton, Heflin, Hendricks, Hunter, Justice, Kennedy, Marchbanks, Morgan, Musgrove, Norman, Smith of J., Smith of L., Steele, Woodward and Wynn, of the House—22.

Those who voted for mr Cox are, messrs Andress, Baylor, Buford, Clarke, Creagh, Foster, Hudson, Hunter, Jones, mcAllister, mcClanahan, mcConnell, mcVay, Oliver, Reese, Ross, Rodgers, Toulmin, Turner, Wilson of J. and Womack, of the Senate; and messrs Alexander of Laud., Allen, Armbrister, Barker, Bishop, Bradley, Cochran, Crenshaw, Crawford, Davenport, Erwin, Gardner, Gresham, Griffin of J., Griffin of M., Hammond, Harris, Heflin, Henry, Hogan, Houston, Hunter, James, Jones of con., Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, B. mcAlpin, mcLemore, Moors, Musgrove, Norman, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Scott, Smith of J., Smith of L., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Ware, Woodward and Wynn, of the House—75.

Those who voted for mr Harbin are, messrs President, Alston, Buford, Creagh, Foster, Hudson, Hall, Hunter, Jones, King, Lea, mcClanahan, mcConnell, mcVay, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Tur-

ner, Watrous, Wilson of J. and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Armbrister, Barker, Barron, Bishop, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of M. Harris, Haughton, Hogan, Houston, James, Jones of Con., Kidd, Marchbanks, R. C. mcAlpin, S. mcAlpin, mcLemore, Mitchell, Moore, Moors, Morgan, Musgrove, Rice, Rodgers, Rushing, Scott, Smith of L., Smith of T., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Woodward and Young, of the House—72.

Those who voted for mr Pollard are, messrs President. Alston, Address, Greagh, Dent, Foster, Hudson, Hunter, King, mcVay, Oliver, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Armbrister, Barker, Barron, Bradley, Cain, Clemens, Davenport, Erwin, Garland, Griffin of J., Griffin of M. Griffin of S., Hogan, Houston, James, Jefferson, Jemison, Mason, B. McAlpin, R. C. mcAlpin, S. mcAlpin, Mitchell, Moore, Moors, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rushing, Smith of T., Spruill, Troup, Valliant, Ware, Wynn and Young, of the House—60.

Those who voted for mr Pitman are, messrs Address, Clarke, Dent, Foster, Hall, Jones, King, McConnell, Phillips, Ross, Turner, Watrous and Wilson of J., of the Senate; and messrs Alexander of Laud., Alexander of Low., Barker, Cain, Clemens, Crenshaw, Davis of B., Gardner, Griffin of S., Hammond, Heflin, Hendricks, Henry, Jones of Con., Norris, Norwood, Randolph, Rodgers and Smith of J., of the House—32.

Messrs Abercrombie, Ashurst, Baldwin, Bryan, Cox and Harbin, having received the highest number and a majority of all the votes given, mr Speaker declared them duly elected directors of the branch of the bank of the State of Alabama at Montgomery.

The Senate then withdrew to their Chamber.

The House then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Dec. 29, 1841.

The House met pursuant to adjournment.

Mr Winston introduced a bill compelling the banks to resume specie payments, which was read the first time and ordered to a second reading.

Mr Norman introduced a bill for the benefit of John G. Finch of Franklin county, which was read the first and second times and ordered to be engrossed for a third reading.

Mr King introduced a joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States, which was read and adopted.

Mr Mitchell introduced a bill to compensate certain persons therein named, which was read the first and second times forthwith.

Mr Winston moved to amend it as follows: insert "to Noah W. Ward the sum of forty-three dollars for conveying a prisoner;" which was carried.

The rule was then suspended, the bill read the third time, considered as engrossed and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Moore of Madison, presented the record for divorce in the case of John F. Lehr vs. Sally Lehr, which was read and referred to the committee on divorce and alimony.

The bill to amend an act entitled an act, to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved February 1st 1839, was read the second time and ordered to be engrossed for a third reading.

The bill from the Senate to divide the State of Alabama into three chancery divisions.

Upon a question of order,

Mr Walker of Benton, in the chair, decided that as the bill was on yesterday made the special order of the day for 11 o'clock; it had the precedence over other special orders; and was therefore now in order.

From which decision Mr Rice appealed, and the chair was sustained.— Yeas 34—Nays 18.

The yeas and nays being demanded.

Those who voted to sustain the chair are, messrs Alexander of Lowndes, Barron, Bradley, Cain, Cochran, Crawford, Davis of B., Erwin, Gardner, Gresham, Henry, Houston, James, Jones of Con., Jones of Cov., Jemison, Kennedy, Kidd, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Moore, Moor, Morgan, Norman, Perkins, Phillips, Smith of L., Smith of T., Spruill, Storrs, Ware and Woodward.

Those who voted against sustaining the chair are, messrs Alexander of Laud., Armbrister, Bishop, Clemens, Griffin of J., Hammond, Heflin, Hendricks, Henslee, Marchbanks, Mitchell, Randolph, Rodgers, Smith of J., Valliant and Winston.

The question was then on the passage of the bill.

Mr Valliant moved to postpone the bill until Friday next, which was lost. Yeas 22. Nays 42.

The yeas and nays being demanded.

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud., Armbrister, Barker, Bishop, Cain, Clemens, Griffin of J., Hammond, Heflin, Hendricks, Jones of Cov., Marchbanks, McMillion of B., Norris, Rice, Rodgers, Smith of J., Valliant, Walker of L., and Winston.

Those who voted in the negative are, messrs Alexander of Low., Allen, Barron, Bradley, Cochran, Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Henry, Henslee, James, Jones of Con., Jefferson, Jemison, Justice, Kennedy, Kidd, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of J., Mitchell, Moore, Moors, Morgan, Norman, Norwood, Perkins, Phillips, Rushing, Smith of L., Smith of T., Spruill, Steele, Walker of B., Woodward.

Mr Norman moved the previous question; which call was sustained.— Yeas 31—Nays 27.

The yeas and nays being demanded:

Those who voted in the affirmative are, messrs Alexander of Low., Allen, Barron, Crawford, Davenport, Gardner, Garland, Gresham, Griffin of M., Houston, Hunter, James, Jones of Con., Justice, Kennedy, Mason, B. McAlpin, McMillion of J., Moore, Morgan, Norman, Phillips, Rushing, Smith of L., Smith of T., Steele, Storrs, Walker of B., Ware, Winston and Woodward.

Those who voted in the negative are, messrs Speaker, Alexander of Laud., Armbrister, Barker, Bishop, Cain, Chiles, Clemens, Griffin of J., Hammond, Heflin, Henslee, Jones of Cov., Jefferson, Marchbanks, S. McAlpin, Mcmillion

of B., Mitchell, Norris, Norwood, Randolph, Rice, Rodgers, Smith of J., Spruill, Valliant and Walker of L.

The question then was, shall the bill pass, and decided in the affirmative. Yeas 38. Nays 21.

Those who voted in the affirmative are, messrs Alexander of Lowndes, Allen, Barron, Bradley, Cochran, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Henry, Houston, Hunter, Jones of Con., Jemison, Justice, Kennedy, Kidd, King, Mason, B. McAlpin, McLemore, Moore, Moors, Morgan, Norman, Norwood, Perkins, Phillips, Rushing, Smith of L., Smith of T., Spruill, Steele, Walker of B., and Woodward.

Those who voted in the negative are, messrs Speaker, Barker, Chiles, Crawford, Griffin of J., Griffin of M., Henslee, Jones of Cov., Marchbanks, S. McAlpin, McMillion of B., McMillion of J., Mitchell, Musgrove, Norris, Randolph, Rodgers, Storrs, Walker of L., Ware and Winston.

The bill passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Mr Mitchell made the following report:

The committee on enrolled bills have examined and find correctly enrolled,

An act imposing additional duties on the treasurer of Marengo county.

An act to alter and amend the charter of the city of Mobile.

An act to authorise Wm. Walker, sen'r and his associates, to establish a ferry on the black warrior river in Blount county, and have amended a clerical error in the same, which omitted the words 'a ferry,' after the word erect, in the sixth line.

An act to amend the charter of the Alabama life insurance and trust company of Mobile.

An act to incorporate the Washington Monroe male and female academy at Puryearville, Monroe county.

An act to incorporate the Greensborough female academy.

An act to amend an act entitled act for the government of the port and harbor of Mobile, approved December 23, 1822.

An act the better to enable the collection of debts due the bank of Mobile.

An act to regulate the weight of cotton in the city of Mobile, and for other purposes.

An act authorising a special term of the chancery court, for the second district of the southern division at Clayton.

An act to incorporate the Howard College in Marion, Perry county.

An act for the relief of Reuben Lackey, tax collector of Jackson county.

Mr Smith of Tuskaloosa, made the following protest:

The undersigned minority of the judiciary committee, to which was referred a bill to establish a third chancery division in this State, and to which was also referred certain resolutions offered by Mr Smith of Tuskaloosa, instructing said committee to inquire into the expediency of re-organizing the independent chancery court, held in each county, beg leave most respectfully, to dissent from the opinion of said committee, as expressed in the recommendation to pass the bill above referred to, and we desire to give our reasons for thus disagreeing with the committee.

We prefer the plan proposed in the resolutions which are above alluded



to, for without the adoption of that plan, or one of a similar character, great injustice will be done to many counties of the State. The plan proposed in the resolutions, is based upon the letter and spirit of the constitution, and upon the unchangeable principle, of equal rights and privileges to all free men, and opposes all partial legislation, as inconsistent with our free institutions; it respects the wants and bounds of the counties of the State; and gives to the man who dwells afar off in the wilderness, the same rights which it gives to the inhabitants of the most populous city. It cannot be expected that every man should live in a city; the policy of our constitution is, and the policy of our laws ought to be, to secure the same protection, and the same encouragement to all; each man's home, whether it be a cabin or a palace, is his castle, and the legislature is bound to extend the provisions of the law, alike to all.

In dividing the State into counties, and in drawing around each county a line of demarkation, the convention intended to secure the convenience of the people, by giving to each county a court-house within a reasonable distance from each man's dwelling; and the inhabitants of each county have the privilege of voting for the location of the court-house, and the great and only object of the location of a court-house in each county, was to secure to each man, the full enjoyments of his rights, liberty, property, and the constitution does not recognize any difference between legal and equitable rights; this distinction is to be understood only by the gentlemen of the law, and not by the people. It originated with the sophists of the great science of the law, and although it is perfectly just and necessary in its application to the rights of men as ascertained by the rules of law and equity, yet it has always been rejected by the great builders of the constitution, in the general distribution of civil powers. Wherever the constitution secures to a man a right, it also appoints a tribunal, in which to assert and ascertain that right.

If a citizen under the constitution must be heard in his own county upon his legal rights, why not upon his equitable rights? If a man cannot be dragged beyond the county in which he commits a criminal offence to be tried, why will he be dragged beyond his county to answer a civil demand in chancery? Again, the legislature has no right under the constitution to establish a court of general judicature, in any one county in this State, and not in all the counties; except the supreme court of appeals, which the constitution requires to be at the seat of government; but if any county desire it unanimously, it may be competent for the legislature to establish a special court of judicature for said county, or make laws of arbitration for any county which may desire them; but such court and such laws must react and act upon the property and rights of the citizens of such counties only, and in no-wise whatever reach or affect the rights, privileges or property of the citizens of any other county.

But it is said, very truly too, that the legislature has the power expressly given to establish separate courts of chancery, and such courts of law and equity as it may deem expedient; but this power was given with a view of perfect equality and convenience amongst the people.

At the time of the adoption of the constitution, it is known that chancery jurisdiction was a distinct part of the circuit court, and the constitution is positive in its terms that the circuit courts shall be held in each county in this State (7th section, 5th article constitution.) If then chancery jurisdiction

was a distinct part of the circuit court and the circuit court shall be held in each county in this State, may we not suppose that it was the intention of the provisions of the constitution, that each county should retain its chancery power, notwithstanding it might be erected into a distinct tribunal. If you divide the circuit court into two parts you must have each part in each county.

If you can take from the circuit court its chancery jurisdiction and move it to another county, may you not by the same rule take away the criminal jurisdiction of the court and give it to another county—for the chancery jurisdiction was as much a part of the circuit court at the time of the adoption of the constitution, as was the criminal jurisdiction of such court. We are of opinion that the clause of the constitution which authorises the establishment of distinct chancery courts, refers merely to its separation from the circuit court, and does not include the power to take the chancery court from the county.

For these reasons the undersigned dissent from the majority of the judiciary committee.

W. R. SMITH,  
L. GRESHAM,  
S. F. RICE,  
JOHN S. KENNEDY.

The question then arose on the motion made by Mr Walker of Lawrence, to reconsider the vote on striking out the ninth section of the bill regulating the banking system of the State of Alabama, and was determined in the negative. Yeas 23. Nays 32.

The yeas and nays being demanded:

Those who voted in the affirmative are, messrs Alexander of Laud. Armbrister, Cain, Clemens, Garland, Hammond, Houston, Griffin of J. Jones of Cov., Kennedy, Kidd, B. McAlpin, Morgan, Norman, Phillips, Randolph. Rice, Smith of J., Smith of L., Steele, Valliant, Walker of Law., and Woodward.

Those who voted in the negative are, messrs Alexander of Low., Allen, Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Griffin of m., Hellin, Henry, Hendricks, Henslee, Hunter, Marchbanks, Mason, S. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Musgrove, Norris, Norwood, Perkins, Rodgers, Smith of T., Spruill, Storrs, Walker of B. and Ware.

Mr Clemens moved the indefinite postponement of the bill.

A message from the Governor by Mr Harrison:

Mr Speaker,—His Excellency the Governor, did on this day approve and sign the following bills:

A bill to provide for digesting the laws of the State of Alabama.

An act to provide for the summoning of grand jurors, to serve at the special criminal terms of the circuit courts of Mobile.

An act to regulate the compensation of witnesses and jurors in the county of Clarke.

Which bills originated in the House of Representatives.

Joint resolutions of the General Assembly of Alabama in relation to monies due this State from the Federal Government, on account of expenditures during and growing out of the late Creek Indian hostilities; were read

the first and second times forthwith, and the rule being suspended, they were read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to accept the two per cent. fund, was read the third time and passed.

Ordered, that the clerk acquaint the Senate therewith.

Yeas 51—Nays 13.

The yeas and nays being demanded :

These who voted in the affirmative are, messrs Speaker, Alexander of Low., Allen, Barker, Barron, Bishop, Bradley, Chiles. Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Griffin of m., Hammond, Henry, Hendricks, Henslee, Hunter, Jones of Con., Jones of Cov., Jemison, Kennedy, Kidd, King, Mason, B. mcAlpin, R. C. mcAlpin, S. mcAlpin, McLemore, mcMillion of B., Moors, Morgan. Norman, Norris, Norwood, Perkins, Phillips, Rice, Rodgers, Smith of J., Smith of T., Spruill. Steele, Storrs, Walker of B., Ware, Winston, Woodward and Young.

Those who voted in the negative are, messrs Alexander of Laud., Armbrister, Clemens, Garland, Griffin of J., Heflin, Marchbanks, Musgrove, Randolph, Rushing, Smith of L., Valliant and Walker of L.

A message from the Senate by Mr Clitherall :

Mr Speaker,—The Senate has passed the following bills from the House of Representatives.

An act for the relief of certain persons therein named.

An act to attach a part of the county of Montgomery to the county of Lowndes.

An act to incorporate the Oak Grove male and female academy, in the county of Pickens.

An act to compel the clerks of the county courts of Marengo county to keep a reversed index in all causes dedided in their respective courts, and for other purposes.

An act for the relief of the commissioners of section 16th in township 22, range 25, in Chambers county and for other purposes.

An act to incorporate the town of Camden in the county of Wilcox.

An act for the relief of Drucilla McDow and Elizabeth Woodley.

An act to change the names of certain persons therein named.

An act to authorise Benjamin Holley of the county of Walker, to erect a mill dam across Lost creek in the county of walker.

An act to consolidate the male and female academies of the town of Iwinton, Barbour county, into one body corporate.

An act to restrain excessive taxation for county purposes, in the county of Tallapoosa.

An act to revive an act therein named. and for other purposes.

An act to authorise the clerk of the circuit court of Randolph county, to record in his office all conveyances acknowledged or proven before him.

An act to consolidate township 15, range 30 and 31 in Russell county.

An act to incorporate the town of Crockettville, in the county of Russell.

An act to divorce Diza Essman from her husband Benjamin Essman.

An act to authorise the school commissioners therein named, to build a school house.

An act to divorce Araminta D. Stone from her husband Charles Stone, and change the name of said Araminta D. Stone to Araminta Dornier Loftin.

An act to divorce Jane Johnson from her husband Henry Johnson.

An act to divorce Wilson Eatman from his wife Sarah Eatman.

An act to authorise the election of assessor and tax collector for the county of Russell and for other purposes.

An act to divorce Eveline M. Whetstone from her husband Evin L. Whetstone.

An act for the better regulation of the management of steam boats.

An act to divide the 71st regiment of Alabama militia in the county of Randolph, and to create an additional regiment: and to provide for the organization of the same.

An act to divorce Kenion J. W. Gaylord from his wife Mary Ann Gaylord.

An act for the relief of the tax collector of Macon county.

An act to appoint public weighers in the town of Wetumpka.

An act to distribute the 6th census of the United States, throughout the State.

An act to divorce Ann C. Bell from John D. Bell.

An act to authorise Wm. N. Thompson and his associates to build a mill on the Coosa river.

An act to locate the seat of justice of Marion county, and for other purposes.

Joint resolutions for the relief of Dillard S. Payne, and others.

An act to change the time of holding the county court of Lauderdale county.

An act to incorporate the Florence Lyceum.

An act to pay the heirs of Sarah Fralick a certain sum therein named.

Joint resolutions of the General Assembly of Alabama to the Congress of the United States.

An act to divorce Phillip Voiglin from Mary Voiglin.

An act to authorize Benjamin C. Gay, A. J. Kidd and their associates to erect a wharf on the Tombeckbee river, in the town of Demopolis, Marengo county, and have amended the same as therein shewn.

The Senate recedes from its amendments to a bill from the House, entitled an act to extend and change the time of holding the spring term of the circuit courts of certain counties therein named, and to alter the 6th and 2nd judicial circuits.

The Senate disagrees to the amendment made by the House to an act to amend an act, to incorporate the Tuscaloosa Guards.

The Senate has also originated and passed the following bills:

An act to secure a homestead to every family within the State.

An act to regulate the action of the State bank and its several branches in the rate of interest.

Joint resolutions authorising the Governor to appoint some suitable person to take care of the State capitol, &c.

The Senate has also passed the following resolution:

**RESOLVED**, That with the concurrence of the Senate the two Houses will assemble in the Hall of the House at half after 6 o'clock on Thursday eve-

ring next, for the purpose of electing a judge of the county court of Covington, a judge for the county court of Henry county, and a judge for the county court of Dale county: Also trustees of the University of Alabama, for the 1st and 10th judicial circuits, and a medical board for the town of Florence.

The Senate has also originated and passed a bill to add a part of Pike county to Barbour county, and for other purposes.

In all of which they ask the concurrence of the House of Representatives.

The Senate concur in the report of the committee of conference, which recommended that the Senate recede from its amendment to the bill which originated in the House, to appoint court house commissioners for the county of Tallapoosa, and for other purposes therein specified.

The Senate has also passed bills from the House of Representatives.

An act for the payment of certain claims against the State, and have amended the same as therein shewn; also

An act for the payment of certain claims against the State, and have amended the same as therein shewn.

In all of which the concurrence of your honorable body is respectfully requested.

Mr Clemens moved to take from the orders of the day,

Joint resolutions from the Senate in relation to an act of the Congress of the United States, distributeing the proceeds of the sales of the public lands, and granting pre-emption rights to settlers, approved Sept. 4, 1841; which was carried.—Yeas 39, Nays 20.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Cain, Clemens, Davenport, Garland, Griffin of J., Griffin of M., Hammond, Heflin, Hendricks, Henslee, Hunter, Jones of Cov., Justice, Kennedy, King, Marchbanks, B. McAlpin, R. C. McAlpin, Morgan, Musgrove, Norman, Phillipf, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Steele, Valliant, Walker of B., Walker of L., Winston and Woodward.

Those who voted in the negative are messrs Alexander of Low., Barron, Bradley, Chiles, Crawford, Davis of B., Gresham, Henry, Kidd, Mason, S. McAlpin, McLemore, Mitchell, moors, Norris, Norman, Perkins, Smith of T., Storrs and Ware.

Mr Davenport moved the following as a substitute.

Whereas, the Congress of the United States at the called session of 1841, passed an act distributeing the proceeds of the sales of the public lands to each of the States of the Union, according to their federal representation; and whereas, doubts are entertained by this Legislature, of the constitutionality and justice of such a measure of federal policy, and inasmuch as the proposed measure is new and conflicting with the previous established usages of the Government, and its results when carried out, must powerfully affect interests of the different States, this Legislature impressed with the importance of the subject, and desirous of reflecting the wishes of the people of Alabama, and to the intent that their wishes may be ascertained fully,

Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General assembly convened, that at the next annu-

al election for Representatives of the State Legislature, it is hereby made the duty of the Sheriffs of the different counties, and the managers of elections, to propound to each qualified voter as he hands in his ticket, the question, of receiving or not the portion of the proceeds of the sales of the public lands appropriated to our State, and such vote when given for or against shall be received.

Be it further resolved, that the Sheriffs of the different counties shall make out a correct copy of said vote, and transmit the same to the Secretary of State two weeks before the next meeting of the General Assembly, and in failure thereof shall forfeit and pay the sum of five hundred dollars, recoverable in such manner as is now authorized by law in cases of non-performance of duty.

And then the House adjourned until half past 3 o'clock.

AFTERNOON SESSION, half past 3 o'clock.

The House met pursuant to adjournment.

The House then resumed the consideration of the resolutions from the Senate distributing the proceeds of the sales of the public lands, and granting pre-emption rights to settlers.

Mr Ware moved to postpone the further consideration of them until tomorrow; which was lost.—Yeas 23, Nays 37.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Alexander of Low., Barron, Bradley, Crawford, Davenport, Davis, of B., Erwin, Gardner, Gresham, Henry, Jones of Con., Justice, Mason, R. C. McAlpin, S. McAlpin, McLemore, Moors, Norris, Norwood, Smith of T., Spruill, Storrs and Ware.

Those who voted in the negative are messrs Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Cain, Garland, Griffin of M., Hammond, Haughton, Heflin, Hendricks, Henslee, Houston, James, King, Marchbanks, B. McAlpin, McMillion of B., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Steele, Valliant, Walker of B., Walker of L., Winston, Woodward and Wynn.

Mr Houston moved the previous question, which call was sustained,—Yeas 30, Nays 28.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Alexander of Laud., Allen, Bishop, Clemens, Garland, Griffin of m., Hammond, Haughton, Heflin, Henslee, Houston, James, Kennedy, King, Marchbanks, B. McAlpin, McMillion of B., Musgrove, Norman, Randolph, Rice, Rushing, Smith of J., Smith of L., Steele, Walker of B., Winston, Woodward and Wynn.

Those who voted in the negative are messrs Speaker, Alexander of Low., Armbrister, Barron, Bradley, Cain, Crawford, Davenport, Davis of B., Erwin, Gresham, Hendricks, Henry, Jones of Con., R. C. McAlpin, S. McAlpin, Mason, McLemore, Moors, Norris, Norwood, Perkins, Phillips, Smith of T., Storrs, Walker of L., Ware and Young.

The resolutions were then ordered to a third reading.—Yeas 40,—Nays 27.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Clemens, Cochran, Garland, Griffin of J., Griffin of m., Hammond, Haughton, Heflin, Hendricks, Henslee, Houston,

James, Kennedy, King, Marchbanks, B. mcAlpin, mcMillion of B., Moore, Morgan, Musgrove. Norman, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Steele, Valliant, Walker of B., Walker of L., Winston, Woodward and Wynn.

Those who voted in the negative are messrs Alexander of Low., Barron, Bradley, Cain, Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Henry; Jones of Con., Jemison, Justice, Mason, R. C. mcAlpin. S mcAlpin, mcLemore, Mitchell, Moors, Norris, Norwood, Perkins, Smith of T., Spruill, Storrs, Ware and Young.

The bill from the Senate making appropriations of certain claims against the State, was read the second time.

Mr Cochran moved to amend it by section, which was adopted.

Mr Alexander of Laud. moved to strike out the allowance to Logan Brandon, which was carried.

Mr Davis of B., moved to amend by section, which was lost.

Mr Griffin of m., moved to amend by section, which was lost.

The bill passed.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

A message from the Governor by Mr Harrison.

Mr Speaker,—His Excellency the Governor, did, on this day approve and sign the following bills:

An act to alter and amend the charter of the city of Mobile.

An act to provide for a special term of the chancery court at Moulton.

An act to impose additional duties on the Treasurer of Marengo county.

An act to authorise Wm. Walker sr. and his associates to establish a ferry on the Black Warrior river in Blount county.

An act to create a certain county therein named, and for other purposes.

An act to incorporate the Greensborough Female Academy.

A message from the Senate by Mr Clitherall.

Mr Speaker,—The Senate have passed the accompanying resolutions, in which the concurrence of the House is asked.

The Senate has also passed the following bills from the House.

An act in relation to the 16th section of township 11, range 9 west, of the county of Wilcox.

An act for the relief of the commissioners of section 16, township 10, range 5, in the county of Wilcox.

An act to pay certain persons therein named.

Mr Mitchell made the following report:

The committee on enrolled bills have examined and find correctly enrolled,

An act to change the name of a certain person therein named.

An act to consolidate the male and female academies, of the town of Irwinton, Barbour county, into one body corporate.

An act to revive an act therein named, and for other purposes.

An act to authorise Benjamin Holly, of the county of Walker to erect a mill dam across Lost creek in the county of Walker.

An act to revive and continue in force an act to levy a special tax for the county of Morgan, approved Jan. 9, 1841.



An act for the relief of the commissioners of section 16, in township 22, range 25, in Chambers county, and for other purposes.

An act for the relief of Drusilla M. Dow and Elizabeth Woodley.

An act to restrain excessive taxation for county purposes, in the county of Tallapoosa.

An act to establish certain election precincts therein named, and for other purposes.

An act for the payment of certain claims therein mentioned.

Joint resolutions for the relief of Dillard S. Payne, and others.

An act to attach a part of the county of Montgomery to the county of Lowndes.

An act to divorce Diza Essman from her husband Benjamin Essman.

An act to authorise Wm. N. Thompson and his associates to build mills on the Coosa river.

An act for the relief of certain persons therein named.

An act to authorise the tax collector of Jackson county, to receive jurors' certificates and other claims that have become a county charge; in payment of taxes due said county.

An act for the relief of Joshua Shamberger of Sumter county.

Mr McLemore moved to take up all the appropriation bills in their regular order; which was carried. Yeas 38—Nays 18.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Allen, Armbrister, Bishop, Bradley, Cochran, Davis of B., Erwin, Gresham, Griffin of M., Hammond, Henry, James, Jones of Con., Jones of Cov., Justice, King, Marchbanks, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore Moors. Norwood, Phillips, Randolph, Rice, Rodgers, Smith of L., Smith of T., Spruill, Steele, Storrs, Walker of B., Ware and Winston.

Those who voted in the negative are, messrs Alexander of Laud., Barker, Barron, Cain, Clemens, Crawford, Gardner, Garland, Hendricks, Henslee, Jemison, Kennedy, Kidd, B. McAlpin, Musgrove, Perkins and Smith of J.

The bill from the Senate for the relief of Nathel Holmes, was read the second time and ordered to a third reading.

The bill to pay Goodwin Driver and Berry Driver, was read the second time, and the rule being suspended, it was read the third time, considered as engrossed and passed:

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Erwin, from the committee on internal improvement, to whom was referred the bill to compensate John M. Cooper, a contractor for work done on the Tombeckbee river, and for other purposes, reported the same without amendment.

Ordered, that the House concur in the amendment made by the Senate to the bill for the payment of certain claims against the State.

Also, to the bill to pay certain claims against the State.

Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate to appropriate in part the two per cent. fund, was read the first time.

Mr Smith of Lauderdale moved to postpone the bill until Friday next.

On motion, the House then adjourned until half past 6 o'clock.

The House met pursuant to adjournment.

Mr Mitchell made the following report:

The committee on enrolled bills have examined and find correctly enrolled,

An act to accept the two per cent. fund.

A message from the Senate by Mr Philpot.

Mr Speaker: The Senate has originated and passed a bill to compensate Logan D. Brandon for apprehending a felon therein named.

In which they ask the concurrence of the House of Representatives.

The Senate, by invitation from the clerk, then repaired to the hall of the House.

The two houses then proceeded to the election of a President and six Directors of the branch bank at Mobile, a Comptroller of Public Accounts, State Treasurer and State Printer.

Mr President having announced the object of the two Houses, they proceeded first to an election of President of the branch of the bank of the State of Alabama at Mobile.

Mr Toulmin placed in nomination the name of **BURWELL BOYKIN**, and as directed by law, submitted in writing the following statement.

Mr President: I ask leave to nominate Burwell Boykin, Esq. for President of the branch of the bank of the State of Alabama at Mobile. It appears from the printed reports, Mr Boykin's liability as payor, is \$10,662 58

And as endorser, he is liable for 10,563 00

It also appears that Mr Boykin's note is not due until the 25th March, 1842. I have also been informed \$900 of the debt for which he is bound as endorser, has been paid since this report was made up.

Mr Boykin has also informed me that his name is on a draft held by the State bank for the sum of \$1,584 00, and on an extension note for \$863 60.

I know of no other liabilities: I consider the above debts as amply secured by the names on the several notes, &c. I have the assurance of Mr Boykin, that if his liabilities still exceed the limits fixed by law, that he will reduce the same by a cash payment within the limit before he takes his seat. He has as far as I have been informed, discharged the duties of President satisfactorily for the last nine months; and all who know him will, I am satisfied, admit his ability to do so in future.

T. L. TOULMIN,  
ISAAC H. ERWIN,  
BLANTON McALPIN.

Mr **BOYKIN** being in nomination, those who voted for him are, messrs President, Alston. Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson. Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Wilson of J.; and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Low., Allen, Annbrister, Barker, Barron, Bradley, Bishop, Cain. Chiles, Cochran, Crenshaw, Davenport, Davis of B., Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Heflin, Henslee, Henry, Houston, Hunter, James, Jones, of Con., Jones of Cov., Jefferson, Jemison, Justice, Kidd, King, Marchbanks,

Mason, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L. Smith of T., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Walker of L., Ware, Wynn and Young, of the House.

Mr Boykin having received a majority of all the votes given, Mr Speaker declared him duly elected President of the branch of the bank of the State of Alabama at Mobile.

The two Houses next proceeded to the election of six directors for the branch of the bank of the State of Alabama at Mobile.

Mr Toulmin placed in nomination for director, the name of J. G. Lyon, and as directed by law, submitted the following statement in writing.

I nominate Ja's G. Lyon for director; his direct indebtedness to the branch bank at Mobile, is \$10,945 24, secured by mortgage on about 3,000 acres of land and 15 slaves; the land alone is amply sufficient to pay the debt. He is endorser on a note made by A. S. Lipscomb, H. Goldthwaite, J. Bates and the late G. W. Owen, for \$2,000, being a balance of \$24,000 borrowed of the branch bank at Mobile by the parties named, for the outfit and payment of the volunteers during the late Creek disturbances, which balance is in train of settlement by an order on the proper department of the general government in favor of the bank for payment.

He is one of the securities of Dr. Alfred Fowler, for \$10,196 74, who has a proposition before the board, understood to be acceptable, to settle the debt by prompt payment in part, by securing the balance beyond doubt, by mortgage on real estate, and negroes in lieu of Mr. Lyon's name on his note.

Mr. Lyon is entitled to much credit in his activity in securing the bank this debt, taken for paper of an insolvent house in New Orleans held by the bank in 1837. He is also second endorser on a note of A. P. Bagby's for about \$2,800 a payment on which it is understood has been made.

He owes the bank of the State \$1500, F. S. Lyon and W. H. Lyon, securities, and is endorser or security for colonel J. B. Hogan for about \$990, to the branch bank at Decatur.

Mr. Lyon is one of the early settlers of the State, he has been a director for the State in the bank of Mobile for 4 years past, residing permanently, winter and summer, in the city, and is an active, capable business man.

T. L. TOULMIN,  
BLANTON McALPIN.

Mr. Baylor placed in nomination for director, the name of Henry B. Holcombe, and as required by law, submitted in writing the following statement :

Henry B. Holcombe is not indebted to the State bank or either of its branches one dollar; is a resident citizen of the city of Mobile, and is from his past experience in the management of banks, well qualified to fill the office of director of the branch bank of the State in that city.

W. K. BAYLOR,  
DENNIS DENT,  
T. L. TOULMIN.

Mr. Clemens placed in nomination for director, the name of Jones M. Withers, esq. and in obedience to the late law submitted the following statement in writing.

Mr. Speaker : I beg leave to put in nomination the name of Jones M. Withers esq. I state his liabilities to be as follows.

To the State bank at Tuscaloosa as principal on a note due first and fourth of April, 1842 :	:	:	:	:	:	:	\$3,000
As principal on a note due 1st and 4th of April, 1842,	:	:	:	:	:	:	950
Drawer of a bill due 1st and 4th of April, 1842 :	:	:	:	:	:	:	2,500
For Forney, Braly & Withers, note due 3d and 6th of March, 1842,	:	:	:	:	:	:	1,242
							<hr/>
							\$10,192

Mr. Withers is perfectly solvent, and I am informed by the President of the State bank, that all the paper on which his name appears, is undoubtedly good.

Mr. Withers has been a director for the State bank for two years, he made an excellent director, is honest, competent and faithful; and as far as I know or believe, has given general satisfaction.

J. CLEMENS.

I concur most fully, from an intimate acquaintance with Mr. Withers and his business habits as a director, he having acted as a director in the State bank, where I had an opportunity of seeing his capacity in the investigation of several bank examinations.

DAVID MOORE.

Mr. Rodgers placed in nomination the name of Robt. Broadnax.

As appears by the bank reports, Col. Broadnax individually owes nothing. As a member of the firm of Broadnax and ———, he is endorser on a note of A. Winston for \$26,000; this debt I believe to be unquestionably well secured from all that I can learn; he is said to owe the Decatur bank on his own account several thousand dollars, amount not known.

Col. Broadnax is an old citizen of this State and known by most of the people. He is honest, he is capable; no man in the State more capable, especially as a director of that bank.

If he is or has been indebted, it is nothing more than justice to say of him, that he never attempts to evade a just demand, but will use every effort to discharge the same honorably, and will no doubt succeed; he is at present director and has served in that capacity for several years.

H. W. RODGERS.

HENRY C. LEE.

DENNIS DENT.

We fully concur in the belief that Colonel Broadnax has used and will use every honorable effort to pay any claims against him to the State, and that he has been for many years an active director of the branch bank at Mobile, and fully acquainted with the business of said bank.

I. H. ERWIN.

JOHN BARRON.

DIXON HALL.

Mr. Moore placed in nomination the name of C. M. Godbold, and as required by law submitted the following statement:

"Mr. Speaker, I ask leave to place in nomination for bank director at Mobile, the name of C. M. Godbold.

Mr. Godbold is indebted to the branch bank at Mobile on his own account in the sum of \$1920. He has assumed the sum of \$2438. I consider this

debt well secured to the bank—he is a gentlemen of good character—he has been a director for the last two years and he has discharged the duties faithfully, and I consider him perfectly responsible.

RICHARD S. MOORE.

T. L. TOULMIN.

BLANTON McALPIN.

I. H. ERWIN.

R. C. McALPIN.

Mr. B. McAlpin placed in nomination the name of Jacob Boyd, as a candidate for director of the branch bank at mobile.

Mr. Boyd owes at that branch \$1200. He is endorser on a note for 3300 dollars, which note he is in no way interested—that note is regularly curtailed. Mr. Boyd owes no other bank of the State—he is not under protest—he is a business man of unblemished moral character, and in every respect well qualified to serve as director—he has lived eleven years in the city of mobile, and is well and favorably known to a large portion of south Alabama.

BLANTON McALPIN.

We have no doubt of the correctness of the above statement.

T. L. TOULMIN.

S. S. HOUSTON.

R. S. MOORE.

Mr. R. C. McAlpin placed in nomination the name of Benjamin F. Marshall, and as required by law submitted the following statement in writing :

Mr. Speaker, I ask leave to place in nomination as a candidate for bank director for the branch bank at mobile, the name of Mr. Benjamin F. Marshall.—Mr. Marshall has been in business in the city of mobile several years, and when the great revulsion in commercial affairs, in 1837, took place, he was indebted to the branch bank at Mobile as principal and security to the amount of \$93,087 41, which debt he extended under the relief law of 1837. He has by his great industry and faithfulness, reduced that large debt to the small sum of \$5,400, which is believed to be as well secured as any debt due to the bank—that debt is secured by the endorsements of his father and brother, who are responsible and good. From my acquaintance with Mr. Marshall, I most cheerfully recommend him as a fit and suitable person for a director of that bank. Mr. Marshall owes no other bank. Respectfully,

(Signed,)

R. C. McALPIN.

We the undersigned have known Mr. B. F. Marshall for a number of years, and can testify to his correctness of habits, and consider him among the best business men of our acquaintance. We are also acquainted with Martin Marshall and John L. Marshall, the endorsers on his note to the branch bank at Mobile, and can say that their names make the debt as good as it possibly can be made.

(Signed,)

S. W. MASON.

LEROY S. KIDD.

STEPHEN S. ANDRESS.

R. S. MOORE.

Mr. R. C. McAlpin also placed in nomination the name of George G. Henry, and submitted the following statement :

Mr. Henry is a merchant of long standing in the city of Mobile, and he deservedly ranks high among that respectable class of citizens. Mr. Henry,

for many years, has been in the habit of doing business at the branch bank at mobile, and has never been under protest in it. *He* is indebted to that bank on his own account in the sum of : : : : \$3,652 00 and as security : : : : 4,473 60

He is not indebted to any other of the State banks in any amount whatever. *Mr. Henry* is a gentleman whom I can recommend as a fit and suitable director for said bank.

Respectfully,

R. C. McALPIN.

I fully concur in the above statement and have every confidence in the ability and willingness of *Mr. Henry* to meet his engagements, and believe him fully competent to discharge the duties of that office.

I. H. ERWIN.

I believe in the above statement in regard to *Mr. Henry*, and from my knowledge of him for several years, have formed a very good opinion of his correct moral and business habits, and believe that he would make a good, safe and efficient bank director.

(Signed,)

JOHN L. HUNTER of Barbour.

*Mr. B. McAlpin* placed in nomination the name of *Henry C. Holmes*, and submitted the following statement :

"*Mr. Holmes* owes the branch bank at mobile \$21000, running to maturity in instalments: *Mr. Holmes* has been compelled to settle, as the principal failed to do so. *Mr. Holmes*, to secure the payment of the debt as principal and security, has given to the bank a mortgage on three brick stores in the city of mobile, renting for 6000 dollars per annum; valued by a committee of the bank at 45000 dollars. *Mr. Holmes* owes neither the State bank or its other branches any thing. *Mr. Holmes* is not under protest at either of the banks—he is a gentleman of undoubted character—has lived 6 years in mobile; is eminently qualified as such.

BLANTON McALPIN.

T. L. TOULMIN.

SAMUEL S. HOUSTON.

R. S. MOORE.

*Mr. Erwin* placed in nomination for director the name of *Wm. E. Starke*, and submitted the following statement in writing.

*Mr. Speaker* : I beg leave to place in nomination the name of *Wm. E. Starke*. His liabilities are as follows: *Starke & Harrison* have running to maturity, (endorsed by *John Stephenson*) of which firm *Wm. E. Starke* is a member, amounting to \$19,275; one note for 700 endorsed by *Marshall & Camack*; one note for 500 endorsed *C. H. Minge*. *Starke & Harrison* are endorsers on a note for *C. H. Minge* for 200; one note for *John Stephenson* for 400; and two notes for *A. H. Ryland* amounting to 1054. *Starke & Harrison* are discounters on *J. R. Dunn & Co.* for 1838 40, one note on *Thor. Harrison* for 1300, and *Wm. Starke's* note for 340 endorsed by *Dr. Jas. Perrine*. *Starke & Harrison* within the last two years have reduced their liabilities about 15000 dollars, and *Mr. Starke* assures me that he will reduce his liabilities 6000 before taking his seat at the board, if elected. He is not under protest on any of said paper. *Wm. E. Starke* does not owe any bank in this State but \$330, which is endorsed by *Dr. James Perrine* of mobile, on his own individual account. *Mr. Starke* was elected by a unanimous vote in February last, to fill a vacancy in said board of directors—he has served faithfully. *Mr. Starke* has

since my acquaintance with his business in bank, faithfully complied with his payments as required, and I have no doubt will continue to do so. His principal note is endorsed by a respectable merchant in Mobile, now extensively engaged in business; his other liabilities are all I believe well secured.

I. H. ERWIN.

I have been personally acquainted with William E. Starke for many years past—I believe him to be a man of integrity of character—of persevering industrious habits and personally well qualified to discharge the duties of director of the branch bank at Mobile, for which he is an applicant.

T. L. TOULMIN.

I. H. ERWIN.

We fully concur in the above.

DAVID MOORE.

HARRY I. THORTON.

J. S. HUNTER.

R. C. McALPIN.

Mr. Erwin also placed in nomination for director the name of Frederic B. Sheppard, and submitted in writing the following statement:

Mr. Speaker: I beg leave to nominate Mr. F. B. Sheppard as a candidate for the office of director of the branch bank at Mobile. Mr. Sheppard, as I am informed and believe, is not indebted to any bank of the State as maker of any note or bill of exchange or otherwise. He is liable as second endorser on a bill due the State bank at Tuscaloosa, for \$7,713 27—said bill was made by F. C. Ellis and endorsed by Charles Pitcher. Mr. Sheppard resides in the city of Mobile; is a gentleman of business habits and great moral worth, and integrity of character; and is I believe fully qualified to discharge the duties of that office.

I. H. ERWIN.

Mr. Erwin also placed in nomination the name of Wm. A. Scott, and submitted in writing the following statements.

Mr. Speaker: I nominate for the office of director of the branch bank at Mobile, the name of Wm. A. Scott. Under the requirements of the recent law I state his liabilities as follows: Wm. A. Scott is the maker of a note for 1500 dollars, payable at the Mobile branch bank, with Bush and brothers as endorsers. He is maker of a note payable at the State bank in Tuscaloosa for 990 dollars, with A. T. Mauley and E. T. Bush as securities—and is liable as endorser on a note made by J. M. & W. Cameron, with J. M. Cameron as security, payable at the branch bank at Mobile, for 280 dollars. He is not under protest on either note; this is I believe his entire liability to the banks. He is entirely responsible for his debts; is a merchant in good standing in Mobile, has served the past year as director in the branch bank at Mobile, and as I believe to the entire satisfaction of the people of that city and of those having dealings with the bank. I have served with Mr. Scott and know him to be faithful, vigilant and attentive to his duties, and in every way qualified.

I. H. ERWIN.

I beg leave to state that I am well acquainted with Gen. Wm. A. Scott, and know all the parties connected with his name in the State bank and branches; they are all and each one of them entirely solvent, and any one of them good for a much larger amount than said Scott's entire liabilities. I have known Gen. Scott for some 15 years, and can say with entire confidence that he has all that time sustained a first rate character for honesty and upright dealing,—



I have never heard of the least circumstance unfavorable to his character as a correct man. He has an extensive acquaintance in Mobile and in the middle section of the State. I believe that he is fully competent to discharge the duties of director, and in his office of director for the last year has given general satisfaction.

PEYTON KING, Senator from Pickens county.

We fully concur in the above so far as relates to Gen. Scott's character and standing, and his competency to discharge the duties of director.

THOS. A. WALKER of Benton.

J. SPRUELL.

A. GARDNER of Pickens.

Mr. Toulmin placed in nomination the name of Wm. A. Smith, and submitted in writing the following statement:

Mr. President: I ask leave to nominate Wm. A. Smith as director for the branch bank at Mobile. Mr. Smith is not indebted to that or any other bank on his own account, except as second endorser for the sum of \$3,972 60. I consider Mr. Smith as a prompt and punctual man in business, and fully able to meet all his engagements as far as I know and believe—and further I believe him well qualified for the office of director. He has resided in Mobile for the last 12 or 14 years, and is now a permanent resident of that city.

T. L. TOULMIN.

I. H. ERWIN.

B. McALPIN.

Those who voted for Mr. Boyd are messrs. President, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, McAllister, McClanahan, McConnell, Ross, Rodgers, Thornton, Toulmin, Turner and Watrous, of the Senate; and messrs. Speaker, Alexander of Land, Alexander of Lowndes, Armbrister, Barker, Cain, Chiles, Clemens, Crenshaw, Crawford, Gardner, Garland, Gresham, Griffin of M. Griffin of S. Hammond, Harris, Haughton, Heflin, Houston, James, Jones of Con. Jones of Cov. Jones of M. Jemison, Justice, Kennedy, King, Marchbanks, B. McAlpin, S. McAlpin, McLeMore, McMillion of B. Mitchell, Moore, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Phillips, Rodgers, Rushing, Smith of J. Smith of L. Steele, Taylor, Troup, Valliant, Walker of B. Walker of Law. Ware, Winston, Woodward, Wynn and Young, of the House—78.

Those who voted for Mr. Broadnax are messrs. Brindley, Address, Hall, Hudson, Jones, King, Lea, McVay, Oliver, Phillips, Rodgers and Turner of the Senate; and messrs. Barker, Barron, Bradley, Crenshaw, Davis of B. Fletcher, Garland, Griffin of M. Harris, Henry, Jones of Con. Jemison, McLeMore, Moors, Morgan, Mundy, Musgrove, Norris, Norwood, Perkins, Spruell and Walker of B. of the House.—33.

Those who voted for Mr. Godbold, are messrs. President, Address, Baylor, Brindley, Clarke, Creagh, Dent, Hall, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack of the Senate; and messrs. Speaker, Alexander of Land, Alexander of Low. Allen, Armbrister, Barker, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Davenport, Erwin, Fletcher, Garland, Gresham, Griffin of J. Griffin of M. Hammond, Haughton, Heflin, Henry, Houston, Hunter, James, Jones of Con. Jones of Cov. Jones of M. Jefferson, Kennedy, Kidd, King, Marchbanks, Mason, Morgan, Musgrove, Norman,

Norwood, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J. Smith of L. Smith of T. Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Ware, Winston, Woodward and Wynn of the House—86.

Those who voted for mr. Henry, are messrs. Alston, Andress and Oliver, of the Senate; and messrs. Alexander of Low. Cochran, Crawford, Davis of B. Gresham, Henry, Hunter, Jones of Con. Justice, R. mcAlpin, Smith of J. and Troup, of the house—16.

Those who voted for mr. Holcombe, are messrs. Baylor, Dent, Foster, King, Phillips and Watrous, of the Senate: and messrs. Hendricks, Henslee, Jemison, Kidd, mcMillion of B. mcMillion of J. Mitchell, Norris, Norwood, Randolph, Rodgers, Smith of J. Smith of L. Storrs and Winston, of the House—21.

Those who voted for mr. Holmes are, messrs. President, Baylor, Foster, Hudson, mcAllister, mcConnell, mcClanahan, mcVay and Turner, of the Senate; and messrs. Speaker, Alexander of Laud. Armbrister, Bishop, Cain, Chiles, Clemens, Davenport, Fletcher, Garland, Griffin of J. Hammond, Heflin, Houston, James, Jones of Cov. Jones of M. Kennedy, mcMillien of B. mcMillion of J. Mitchell, Norris, Norwood, Randolph, Rodgers, Smith of J. Smith of T. Rice, Storrs and Winston, of the House.—40

Those who voted for mr. Lyon are, messrs. Alston, Lea, mcVay, Thornton, Toulmin and Wilson of J. of the Senate; and messrs. Barron, Bradley, Cain, Chiles, Crenshaw, Davenport, Erwin, Griffin of S. Harris, Hammond, Heflin, Houston, Hunter, Justice, Kidd, King, Moore, B. McAlpin, R. C. mcAlpin, Moore, Moors, Musgrove, Perkins, Phillips, Taylor, Valliant and Ware, of the House.—34.

Those who voted for mr. Marshall are, messrs. Alston, Andress, Brindley, Buford, mcAllister, Oliver, Phillips, Ross, Rodgers, Wilson of J. and Womack of the Senate, and messrs. Speaker, Alexander of Laud. Barker, Barron, Cain, Clemens, Crenshaw, Davis of B. Erwin, Fletcher, Gresham, Griffin of S. Harris, Hendricks, Henslee, Jones of Con. Jefferson, Jemison, Justice, Kidd, Mason, R. C. mcAlpin, S. mcAlpin, Mitchell, Moore, Mundy, Norris, Norwood, Smith of T. Spruell, Storrs, Ware, Winston and Young, of the House.—47.

Those who voted for mr. Scott are, messrs. Alston, Andress, Clarke, Creagh, Hudson, Hunter, King, Lea, mcClanahan, mcConnell, Oliver, Phillips, Ross, Turner and Womack, of the Senate; and messrs. Allen, Barron, Bishop, Bradley, Cochran, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Gresham, Griffin of M. Griffin of S. Harris, Hendricks, Henslee, James, Jefferson, Jemison, Justice, Mason, R. C. mcAlpin, S. mcAlpin, mcLemore, mcMillion of J. Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Randolph, Rice, Rushing, Spruell, Walker of B. and Walker of L. of the House—53.

Those who voted for mr. Sheppard are, messrs. President, Alston, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, mcAllister, mcClanahan, mcConnell, Rodgers, Thornton, Toulmin, Turner, Watrous and Womack, of the Senate; and messrs. Alexander of Low. Allen, Armbrister, Barker, Barron, Bishop, Bradley, Chiles, Clemens, Cochran, Crawford, Davenport, Davis of B. Erwin, Fletcher, Gardner, Griffin of J. Griffin of S. Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Houston, James, Jones of Con. Jones of Cov. Kennedy, Kidd, Marchbanks, Mason, B. mcAlpin, S. mcAlpin, mcLemore, mcMillion of B. Moors, Morgan, Mundy, Norman, Norris, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J.

Smith of L. Smith of T. Spruell, Steele, Storrs, Stinson, Troup, Valliant, Walker of B. Walker of Law. Winston, Woodward, Wynn and Young, of the House.—85.

Those who voted for mr. Smith, are messrs. President, Buford, Clarke, Creagh, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Turner, Toulmin, Wilson of J. and Womack, of the Senate; and messrs. Alexander of Laud. Allen, Armbrister, Bishop, Cain, Gardner, Griffin of J. Hammond, Haughton, Heflin, Henslee, Houston, Hunter, Jones of Cov. Jones of M. Jefferson, Kidd, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLemore, Mcmillion of J. Moore, Morgan, Norman, Perkins, Randolph, Rice, Rodgers, Smith of J. Smith of L. Spruell, Valliant, Ware, Woodward and Wynn, of the House.—53.

Those who voted for mr. Starke are, messrs Alston, Andress, Baylor, Creagh, Dent, Foster, Hall, Hunter, King, Lea, McVay, Oliver, Phillips, Ross, Thornton, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Low. Barron, Bradley, Chiles, Cochran, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Garland, Gresham, Griffin of J. Griffin of m. Griffin of S. Harris, Hendricks, Henry, Henslee, Hunter, James, Jefferson, Jemison, Justice, Kennedy, Kidd, Mason, R. C. McAlpin, S. McAlpin, McLemore, Moores, Mundy, Musgrove, Perkins, Phillips, Rice, Rushing, Smith of T. Spruell, Steele, Walker of L. Ware, Wynn and Young, of the House.—63.

Those who voted for mr Withers are, messrs President, Baylor, Brindley, Buford, Clarke, Dent, Foster, Hudson, Hunter, Jones, King, McClanahan, McVay, Ross, Rogers, Thornton, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Alexander of Low. Allen, Armbrister, Barker, Bishop, Clemens, Cochran, Fletcher, Gardner, Garland, Griffin of J. Griffin of m. Haughton, Hendricks, Henry, Hunter, Jones of Cov. Jones of m. Jefferson, Jemison, Kennedy, King, Marchbanks, S. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell. Mundy, Musgrove, Norman, Norwood, Randolph, Rogers, Rushing, Smith of J. Smith of L. Smith of T. Steele, Stinson, Taylor, Troup, Valliant, Walker of B. Walker of L. Winston, Woodward, Wynn and Young, of the House.—66.

messrs Bayd, Godbold, Sheppard, Starke and Withers, having each received a majority of the whole number of votes given, mr Speaker declared them duly elected directors for the branch of the bank of the State of Alabama for the time prescribed by law.

The two Houses then proceeded to elect one director; the names of messrs Lyon, Henry, Marshall, Holcombe, Holmes and Broadnax having been withdrawn.

Those who voted for mr Smith are, of the Senate, messrs President, Baylor, Buford, Brindley, Creagh, Hall, Hudson, McAllister, McClanahan, McVay, Toulmin, Turner, Wilson of F. and Womack; and messrs Speaker, Alexander of Laud. Armbrister, Fletcher, Griffin of J. Hammond, Haughton, Heflin, Houston, Hunter, Jones of Cov. Justice, Kennedy, King, Marchbanks, B. McAlpin, Mcmillion of B. Moore, Morgan, Musgrove, Norman, Phillips, Smith of J. Smith of L. Taylor, Troup and Valliant, of the House of Representatives.—42.

And those who voted for mr Scott are, of the Senate, messrs Alston, Andress, Clark, Dent, Foster, Hunter, Jones, King, Lea, McClanahan, Oliver,

Phillips, Ross, Rodgers, Thornton and Watrous: and messrs Allen, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Garland, Gardner, Gresham, Griffin of m. Griffin of S. Harris, Hendricks, Henry, Henslee, James, Jones of Con. Jefferson, Jemison, Kidd, Mason, R. C. McAlpin, S. McAlpin, McLemore, McMillion, of J. mitchell, Moores, Mundy, Norris, Norwood, Randolph, Rice, Rogers, Rushing, Smith of L. Spruell, Steele, Storrs, Walker of B. Walker of L. Ware, Woodward and Young.—67.

Mr Scott having received a majority of all the votes given, Mr Speaker declared him duly elected director of the branch of the bank of the State of Alabama at Mobile.

The two Houses next proceeded to the election of Comptroller of Public Accounts: Mr J. C. VanDyke being alone in nomination.

Those who voted for Mr VanDyke are, messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Hall, Hudson, Hunter, Jones, King, Lea, McClanahan, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs Speaker. Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bradley, Bishop, Cain, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Houston, Hunter, James, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rushing, Rice, Rodgers, Smith of J., Smith of L., Smith of T., Spruill, Steele, Storrs, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Woodward, Wynn and Young, of the House of Representatives—110.

Mr VanDyke having received all the votes given, Mr Speaker declared him duly elected Comptroller of Public Accounts for the State of Alabama for the term prescribed by law.

The two Houses next proceeded to the election of State Treasurer: ROBERT CARUTHERS and SAM'L. G. FRIERSON being in nomination.

Those who voted for Mr Caruthers are, messrs Andress, Buford, Dent, Foster, Hall, Hunter, King, Oliver, Phillips, Rodgers, Thornton, Watrous and Womack, of the Senate; and messrs Bishop, Bradley, Chiles, Cain, Crawford, Davis of B. Erwin, Gardner, Gresham, Griffin of S. Harris, Jones of Con. Jemison, Justice, Kidd, Mason, R. C. McAlpin, McLemore, Mitchell, Norris, Norwood, Perkins, Smith of T. Storrs, Valliant and Ware.

Those who voted for Mr Frierson are, messrs President, Baylor, Brindley, Clarke, Creagh, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Toulmin, Turner and Wilson of J. of the Senate; and messrs Speaker, Alexander of Laud. Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Clemens, Cochran, Crenshaw, Davenport, Fletcher, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Henry, Hendricks, Henslee, Houston, Hunter, James, Jones of Cov. Jefferson, Kennedy, King, Marchbanks, B. McAlpin, McMillion of B. McMillion of J. Moore, Moores, morgan, mundy, musgrove, Norman, Phillips, Randolph, Rice, Rogers, Rushing,

Smith of L. Spruell, Steele, Taylor, Troup, Walker of B. Walker of L. Winston, Woodward, Wynn and Young, of the House.—68.

Mr Frierson having received a majority of all the votes given, Mr Speaker declared him duly elected Treasurer of the State of Alabama for the time prescribed by law.

The two Houses next proceeded to the election of State Printer: messrs Hale & Phelan and S. F. Rice, being in nomination..

Those who voted for messrs Hale & Phelan are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McVay, Rogers, Toulmin, Turner and Wilson of J. of the Senate, and Alexander of Low. Allen, Cochran, Fletcher, Griffin of J. Haughton, Henslee, Houston, Hunter, James, Jones of Cov. Kennedy, King, Marchbanks, B. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Morgan, Musgrove, Norman, Phillips, Randolph, Rushing, Smith of L. Smith of T. Steele, Taylor, Valliant, Walker of B. Walker of L. and Woodward, of the House.—49.

Those who voted for Mr Rice are, messrs Andress, Buford, Dent, Hall, Hunter, Lea, King, McConnell, Oliver, Phillips, Ross and Womack, of the Senate; and messrs Speaker, Armbrister, Barker, Barron, Bishop, Chiles, Clemens, Crenshaw, Davis of B. Erwin, Gardner, Gresham, Griffin of M. Griffin of S. Hammond, Harris, Heflin, Hendricks, Henry, Jones of Con. Jefferson, Justice, Kidd, Mason, McLemore, Moores, Mundy, Norris, Norwood, Perkins, Smith of J. Spruell, Troup, Ware and Winston, of the House. 48.

Messrs Thornton and Watrous, of the Senate; and messrs Barron, Bradley, Cain, S. McAlpin, Storrs and Young, of the House, voted for Mr M. D. J. Slade.—8.

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to a second balloting.

Those who voted for messrs Hale & Phelan are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McVay, Rodgers, Toulmin, Turner and Wilson of J. of the Senate; and messrs Alexander of Laud. Alexander of Low. Allen. Fletcher, Griffin of J. Haughton, Henslee, Houston, Hunter, James, Jones of Cov. Kennedy, King, Marchbanks, B. McAlpin, Mcmillion of B. Mcmillion of J. Mitchell, Morgan, Musgrove, Norman, Randolph, Rogers, Rushing, Smith of L. Smith of T. Steele, Taylor, Troup, Valliant, Walker of B. Walker of L. Woodward and Wynn, of the House.—48.

Those who voted for Mr Rice are, messrs Andress, Buford, Dent, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Ross and Womack, of the Senate, and messrs Speaker, Armbrister, Barker, Bishop, Cain, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Gresham, Griffin of M. Griffin of S. Hammond, Harris, Heflin, Hendricks, Henry, Jones of Con. Jefferson, Justice, Kidd, Mason, R. C. McAlpin, McLemore, Moores, Mundy, Norris, Norwood, Perkins, Smith of J. Spruell, Ware and Winston, of the House.—49.

Messrs Thornton and Watrous, of the Senate; and messrs S. McAlpin, Storrs and Young, of the House, voted for Mr Slade.—5.

Neither having received a majority of all the votes given, the two Houses proceeded to a third balloting.

Those who voted for messrs Hale & Phelan are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, Rodgers, Toulmin and Turner, of the Senate; and messrs Alexander of Laud. Cochran, Griffin of J. Haughton, Henslee, Hunter, James, Jones of Cov. Kennedy, King, Marchbanks, B. McAlpin, Mcmillion of B. Mcmillion of J. Musgrove, Norman, Phillips, Randolph, Rogers, Rushing, Smith of L. Smith of T. Steele, Taylor, Troup, Valliant, Walker of B. Walker of L. Woodward and Wynn, of the House.—48.

Those who voted for Mr Rice are, messrs Andress, Buford, Dent, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Ross and Wornack, of the Senate; and messrs Speaker, Armbrister, Barker, Bishop, Cain, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of B. Erwin, Gardner, Gresham, Griffin of m. Griffin of S. Hammond, Harris, Heflin, Hendricks, Henry, Jones of Con. Jefferson, Justice, Kidd, Mason, R. C. McAlpin, S. McAlpin, McLemore, Moores, Mundy, Norris, Norwood, Perkins, Smith of J. Spruell, Ware, Winston and Young, of the House.—51.

Mr Storrs, of the House, voted for Mr Slade.

Mr Rice having received a majority of all the votes given, Mr Speaker declared him duly elected State Printer for the term prescribed by law.

The Senate then withdrew, and

The House adjourned until to-morrow morning at half-past 9 o'clock.

THURSDAY, December 30, 1841.

The House met pursuant to adjournment.

Mr Davis of Bibb introduced a bill for the relief of the commissioners of section 16, township 21, range 13; which was read the first and second times forthwith.

Mr Davis of Limestone moved to lay it on the table; which was carried.

Message from the Governor by Mr Harrison:

*Mr Speaker*—His excellency the Governor has approved and signed the following bills:

An act to pay certain claims therein named;

An act to divorce Diza Essman from Benjamin Essman;

An act to attach a part of the county of Montgomery to the county of Lowndes;

An act to authorize W. N. Thompson, and his associates, to build mills on the Coosa river.

An act to revive an act therein named and for other purposes.

An act for the relief of certain persons therein named.

An act to consolidate the Male and Female Academy of the town of Irwinton Barbour County, into one body corporate.

An act to restrain excessive taxation for County purposes in the County of Tallapoosa.

An act to authorize Benjamin Holley, of the County of Walker, to erect a mill dam across Lost Creek, in the County of Walker.

An act for the relief of Drusilla McDow and Elizabeth Woodley.

An act for the payment of certain claims against the State.

An act to divorce John Farley from Mary Farley.

An act for the payment of the claim of Hugh P. Caffey, and others,

Which originated in the House of Representatives.

The following communication from His Excellency the Governor, to wit :



*To the Speaker of the House of Representatives :*

SIR : A joint resolution for the relief of Dilliard S. Payne, and others, originated in your House, was on the 29th instant, presented to this Department, for my approval.

Anxious at all times to agree with the General Assembly, on all measures which they may adopt, for the public interest or the welfare of the people, it will be rare, if ever, that I shall withhold my assent from any measure which they offer for my approval, on the mere question of expediency ; matters involving constitutional right, however reluctant on my part to differ with the General Assembly, will leave me no discretion, when performing an imperative constitutional duty.

The resolution under consideration provides that Dillard S. Payne and his securities George Payne and William Payne, shall be relieved from the payment of their joint note, given for the payment of a certain 16th section, therein named, and that the cashier of the Bank of the State of Alabama, be required to deliver the note alluded to, to the said Payne or securities, and that the said contract be rescinded by the Commissioners' of the township, *provided*, a majority of the voters of the township are in favor of it.

The resolution plainly contemplates a rescision of the contract on the part of the commissioners, without the consent of said Payne, or so far as I can learn from the resolution, it may be done : gainst his wish. This, I conceive, would clearly destroy that sanctity thrown around all contracts, and directly violate the 19th section of the 1st article of the Constitution, which declares that no ex post facto law nor law impairing the obligation of contracts shall be made. The title of the resolution declares that it is for the relief of the said Payne and his securities ; but no portion of it requires an assent on his part to a total abrogation of the contract, by the commissioners. Being solemnly convinced that rescinding the contract without his consent, would be at war with his rights secured under the Constitution, and that the resolution as it now stands distinctly authorizes that course, I with deference for the wisdom and intelligence of your honorable body, return it to your House, being the same in which it originated, with the objections for withholding my assent.

An act for the relief of the commissioners of the 16th section in township 22, range 25, in Chambers county, and for other purposes, I find liable to the same Constitutional objection.

I return to your House in which it originated, for objections urged to the foregoing resolution.

BEN FITZPATRICK.

Mr Norwood presented the petition of Wm. B. Andrews, and other citizens of Dallas county, which was read and ordered to lie on the table.

Mr Jones of Covington, presented the petition of citizens of Covington county, which was read and ordered to lie on the table.

Mr Ware introduced a bill to provide for holding extra terms of the Chancery Court at Clayton, Montgomery and Elyton, which was read the first and second times forthwith, the rule suspended, it was read the third time considered as engrossed and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.—yeas 49, nays 9,



The yeas and nays being demanded.

Those who voted in the affirmative are messrs Speaker, Allen, Barker, Barron, Bradley, Cain, Clemens, Cochran, Crenshaw, Crawford, Davis of B. Erwin, Gardner, Garland, Gresham, Griffin of M. Griffin of S. Haughton, Hendricks, Henry, Henslee, James, Jones of Con. Kidd, Mason, B. McAlpin, R. C. McAlpin, Mitchell, Moors, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of T. Sprewill, Storrs, Walker of B. Walker of Law. Ware, Woodward and Wynn.

Those who voted in the negative are messrs Alexander of Laud. Armbrister, Bishop, Hammond, Jones of Cov. Kennedy, Marchbanks, Smith of J. Troup and Valliant.

Mr Crenshaw made the following report :

The committee on enrolled bills have examined and find correctly enrolled,

An act to divorce Ann C. Bell from John D. Bell.

An act divorce John Farly from mary Farly.

An act for the payment of the claim of Hugh P. Caffey, and others.

An act to distribute the 6th census of the United States throughout this State.

Joint resolutions of the Legislature of Alabama to the Congress of the United States.

An act for the relief the tax collector of Macon county.

Act to consolidate townships 15, of range thirty and thirty-one, in Russell county.

An act to authorize the election of assessor and tax collector for Russell county, and for other purposes.

An act for the payment of certain claims against the State.

An act to require the clerk of the circuit and county courts of Marengo county, to make and keep a reversed index in all causes decided in their respective courts, and for other purpose.

An act to divorce Jane Johnson from Henry Johnson.

An act to divorce Kenion J. W. Gaylord from mary Ann Gaylord.

An act to divorce Eveline M. Whetstone from Evans L. Whetstone.

an act to divide the 71st regiment, Alabama militia in the county of Randolph, and to create an additional regiment, and provide for the organization of the same.

An act for the payment of certain claims against the State.

An act for the relief of the commissioners of section 16, township 10, range 5, in the county of Wilcox.

An act in relation to the 16th section of township eleven, range nine, in the county of Wilcox.

An act to divorce Wilson Eatman from Sarah Eatman.

An act to divorce Philip Voiglin from Mary Voiglin.

An act to pay the heirs of Leah Fraleck a certain sum therein named

An act to authorize the school commissioners therein named to build a school house.

An act to divorce Araminta D. Stone from her husband Charles Stone, and change the name of said Araminta D. Stone to Aramenta Dormer Loftin.

An act to incorporate the Florence Lyceum.

An act granting certain privileges to Alexander Findly of De Kalb county.

An act to make county claims receivable in payment of county taxes in Dale county.

An act to divorce Elizabeth Steelman from Wm. Steelman.

An act to divorce Martha Ann Ball from Fessenden Ball.

An act for the relief of Robert Williamson.

An act to incorporate the town of Crockettville in the county of Russell.

An act to appoint court house commissioners for the county of Tallapoosa, and for other purposes therein specified.

An act to appoint an additional court house commissioner, for the county of Russell, and for other purposes.

An act to incorporate the town of Camden in the county of Wilcox, and

An act to incorporate the Tallapoosa manufacturing company.

An act to divide the State of Alabama into three chancery divisions, and for other purposes.

Mr R. C. McAlpin called from the table joint resolutions in relation to the faith and honor of the State.

Mr King moved to lay the resolutions on the table, which was lost—yeas 6, nays 58.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Bishop, Hammond, Henslee, Hunter, King and Valliant.

Those who voted in the negative are messrs Speaker, Alexander of Laud. Allen, Armbrister, Barker, Barron, Bradley, Cain, Crenshaw, Crawford, Davis of B. Erwin, Gardner, Gresham, Griffin of M. Griffin of S. Harris, Heflin, Henry, James, Jones of Con. Kennedy, Kidd, Mason, B. McAlpin, R. C. McAlpin, McLemore, Mitchell, Moors, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Smith of J. Smith of L. Smith of T. Sprewill, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of Law. Ware, Woodward, and Young.

Mr Smith of L. moved to strike out the word "therefore;" which was lost.

Mr Smith of Tuscaloosa, moved to strike out the 5th section of the preamble.

Mr James called up the bill making appropriations for the year 1842.

Mr R. C. McAlpin moved to strike out "two" to insert "three;" which was carried.

Mr Sprewill moved to strike out \$250 to the comptroller for clerk hire, and carried.—yeas 41, nays 22

The yeas and nays being demanded.

Those who voted in the affirmative are messrs Speaker, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Clemens, Crenshaw, Crawford, Davis of B. Davis of L. Fletcher, Gardner, Garland, Griffin of M. Griffin of S. Hammond, Heflin, Henry, Henslee, Hunter, Jones of Con. Kennedy, King, Marchbanks, Musgrove, Norris, Norwood, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J. Sprewill, Storrs, Taylor, Ware and Winston.

Those who voted in the negative are messrs. Alexander of Laud. Cochran, Erwin, Haughton, James, Jones of M. Kidd, B. McAlpin, R. C. McAlpin, Mitchell, Moors, Morgan, Mundy, Norman, Perkins, Smith of L. Walker of B. Walker of Law. Woodward and Wynn.

**Mr Perkins** moved to amend the bill by an additional section, which was carried.

**Mr Norris** moved to fill the 1st blank with "ten thousand dollars," which was carried—yeas 38, nays 25.

The yeas and nays being demanded.

Those who voted in the affirmative are messrs Speaker, Alexander of Laud. Allen, Armbrister, Barker, Bishop, Bradley, Erwin, Fletcher, Gardner, Garland, Haughton, Henslee, Jones of Con. Jones of Cov. Kennedy, Kidd, King, B. McAlpin, R. C. McAlpin, Mitchell, Moors, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Phillips, Randolph, Rodgers, Smith of L. Smith of T. Troup, Walker, of B. Ware, Winston and Woodward.

Those who voted in the negative are messrs Barron, Cain, Cochran, Crenshaw, Crawford, Davis of B. Davis of L. Griffin of J. Griffin of S. Griffin of M. Hammond, Heflin, Hendricks, Henry, Hunter, James, Justice, Marchbanks, Mason, Rice, Smith of J. Sprewell, Storrs, Taylor and Valliant.

The bill from the Senate for the relief of John M. Cooper, a contractor for work done on the Tombeckbee river, and for other purposes.

**Mr Mundy** moved to strike out the third section; which was carried.

The question was then on the passage of the bill, and decided in the affirmative—yeas 39, nays 21.

The yeas and nays being demanded.

Those who voted in the affirmative are messrs. Speaker, Allen, Barron, Bradley, Cain, Cochran, Davis of B. Davis of L. Erwin, Gardner, Griffin of M. Griffin of S. Henry, Henslee, James, Jones of Con. Jones of Cov. Kidd, King, B. McAlpin, R. C. McAlpin, Mitchell, Moors, Morgan, Mundy, Musgrove, Norris, Norwood, Perkins, Phillips, Rhodes, Rodgers, Scott, Smith of T. Sprewell, Storrs, Taylor, Walker of B. Ware, Woodward and Young.

Those who voted in the negative are messrs Alexander of Laud. Armbrister, Barker, Bishop, Clemens, Crenshaw, Fletcher, Garland, Hammond, Haughton, Heflin, Hendricks, Kennedy, Marchbanks, Randolph, Rushing, Smith of J. Smith of L. Troup, Valliant, and Walker of Law.

**Mr Erwin** from the select committee to whom was referred the bill from the Senate, to alter the first and tenth judicial circuits, reported favorably..

The bill was read a third time and passed.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for their concurrence.

**Mr Clemens** called up the resolutions from the Senate proposing to go into certain elections.

**Mr Rice** moved to amend them by striking out "Judge of the county court of Dale county," which was lost.

**Mr Crenshaw** moved to amend by striking out "second judicial circuit," to insert "10," which was carried.

The resolution was then concurred in.

**Mr Clemens** moved to concur in the resolution of the Senate to go into the election of a chancellor for the middle division; which was carried.

Joint resolutions from the Senate authorizing the Governor to appoint a suitable person to take care of the Capitol, &c., were read the first and second times forthwith.

**Mr Crawford** moved to amend by substitute, which was adopted.

The title amended as follows: "Authorizing the appointment of a suitable person to take care of the State capitol," &c.

Ordered that the title be as aforesaid.

Ordered that the clerk acquaint the Senate therewith.

AFTERNOON SESSION, half-past 3 o'clock.

Joint resolution for the relief of William Payne and others, returned to the House by the Governor, were then taken up for consideration.

The question was on the passage of the resolution, and decided in the negative. Yeas 7, nays 55.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Cain, Hendricks, Jones of Con. Mitchell, Rice, Rushing and Wynn.

Those who voted in the negative are, messrs Speaker, Alexander of Laud. Allen, Barker, Barron, Bishop, Bradley, Clemens, Cochran, Crenshaw, Crawford, Davis of B. Davis of L. Erwin, Gardner, Garland, Gresham, Griffin of J. Griffin of m. Hammond, Harris, Haughton, Henry, Hunter, James, Justice, Kennedy, King, Marchbanks, B. McAlpin, R. C. McAlpin, Mcmillion of B. Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rogers, Smith of J. Smith of L. Smith of T. Spruell, Steele, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Ware, Woodward and Young.

A message from the Governor by mr Harrison:

*Mr Speaker*—His excellency the Governor did on this day approve and sign the following bills:

An act to incorporate the town of Camden in the county of Wilcox;

An act to appoint an additional courthouse commissioner in the county of Russell, and for other purposes;

An act to incorporate the town of Crockettville in the county of Russell;

An act for the relief of Robert Williamson;

An act in relation to the 16th section of township eleven, range 9, in the county of Wilcox;

An act for the relief of the commissioners of section 16, township 10, range 5, in the county of Wilcox;

An act to consolidate townships 15 of rage 30 and 31, in the county of Russell;

Joint resolutions of the Legislature of the State of Alabama to the Congress of the United States;

An act for the payment of certain claims against the State;

An act to divorce Eveline M. Whetstone from Evans L. Whetstone;

An act to divorce Kenion J. W. Gaylord from Many Ann Gaylord;

An act for the relief of the tax collector of Macon county;

An act to divorce Ann C. Bell from John D. Bell;

An act to divorce Wilson Eatman from Sarah Eatman;

An act to divide the 71st regiment of Alabama militia in the county of Randolph, and create an additional regiment and provide for the organization of the same;

An act to distribute the 6th census of the United States throughout the State;

An act to authorize the school commissioners therein named to build a school house,

**An act to require the clerks of the county courts of Marengo county to make and keep a reversed index in all cases decided in their respective courts,**

**An act to divorce Araminta D. Stone from Charles Stone, and to change the name of said Araminta D. Stone to Araminta Dormer Loftin.**

**An act to authorize the election of an assessor and tax collector for Russell county, and for other purposes;**

Which bills originated in the House of Representatives.

The House then took up for consideration the bill for the relief of the commissioners of section 16, in township 22, range 25, in Chambers county, and for other purposes.

The question was, Shall the bill pass? and decided in the negative. Yeas 4, nays 53.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Alexander of Laud. Allen, Armbrister, Barron, Bishop, Bradley, Clemens, Cochran, Crenshaw, Crawford, Davis of B. Erwin, Gardner, Garland, Griffin of J. Griffin of m. Hammond, Haughton, Heflin, Henry, Hunter, James, Kennedy, King, Marchbanks, B. McAlpin, R. C. McAlpin, Mcmillion of B. Moores, Mundy, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rogers, Smith of J. Smith of L. Smith of T. Spruell, Steele, Storrs; Taylor, Troup, Valliant, Walker of B. Ware, Winston, Woodward and Young.

Mr Kennedy moved to take from the table the resolutions in relation to biennial sessions of the Legislature; which was lost. Yeas 23, nays 34.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Laud. Armbrister, Bishop, Crenshaw, Davis of L. Garland, Griffin of J. Hammond, Heflin, Hendricks, Jones of Con. Kennedy, Marchbanks, Mcmillion of B. Moores, Mundy, Musgrove, Rogers, Smith of L. Steele, Taylor, Valliant, Walker and of Law.

Those who voted in the negative are, messrs Speaker, Allen, Barron, Bradley, Cain, Clemens, Davis of B. Erwin, Gardner, Gresham, Griffin of m. Haughton, Henry, Henslee, James, King, B. McAlpin, R. C. McAlpin, Mitchell, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Smith of J. Smith of T. Spruell, Walker of B. Ware, Woodward, Wynn and Young.

Ordered that the House concur in the resolution from the Senate to elect a medical board for the town of Florence at half-past 6 this evening.

Mr Walker of Benton moved to disagree to the amendments made by the Senate to the bill providing for special terms of the chancery court at Clayton, Montgomery and elsewhere; which was carried. Yeas 34, nays 29.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Allen, Armbrister, Barron, Bradley, Cochran, Crenshaw, Davis of B. Davis of L. Erwin, Fletcher, Garland, Gresham, Griffin of J. Griffin of m. Hendricks, Henry, Jones of Con. King, Marchbanks, B. McAlpin, R. C. McAlpin, Moores, Mundy, Norman, Norwood, Phillips, Rogers, Rushing, Smith of J. Smith of L. Spruell, Steele, Walker of B. Winston and Woodward.

Those who voted in the negative are, messrs Speaker, Alexander of Laud. Barker, Bishop, Cain, Clemens, Crawford, Gardner, Hammond, Haughton, Heflin, Hunter, James, Justice, Mcmillion of B. Musgrove, Norris, Perkins,

Randolph, Rice, Smith of T., Troup, Valliant, Walker of Law, Ware, Wynn and Young.

Ordered that the House concur in the amendments made by the Senate to the bill making appropriations for 1842.

Ordered that the bill from the Senate for the relief of R. Fenner and others, lie on the table.

And then the House adjourned until half past 6 o'clock.

NIGHT SESSION, December 30, half past 6 o'clock.

The House met pursuant to adjournment.

Mr Mitchell made the following report:

The committee on enrolled bills have examined and find correctly enrolled an act making appropriations for the payment of certain claims against the State;

An act to appoint public weighers in the town of Wetumpka;

An act to divorce Eliza Biggs from Hugh H. Biggs;

An act to provide for a more effectual organization of 24th regiment Ala. militia.

The Senate, by invitation from the clerk, then proceeded to the hall of the House.

The two Houses proceeded to the election of a judge for the county court of Covington county;

A judge for the county court of Henry county;

A judge for the county court of Dale county;

A trustee for the university for the first judicial circuit;

A chancellor for the middle division; and

A medical board for the town of Florence.

The Senate then proceeded to the Hall of the House of Representatives for the purpose of going into the election of certain officers.

Mr President having announced the object of the meeting of the two Houses, they first proceeded to the election of a judge for the county court of Covington, Mr Samuel L. Harwell alone being in nomination.

Those who voted for Mr Harwell are, of the Senate, messrs President, Andress, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.; messrs Speaker, Alexander of Low, Allen, Barker, Barron, Bishop, Cain, Chiles, Crenshaw, Covington, Clemens, Cochran, Crawford, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Heflin, Hendricks, Henry, Henslee, Hunter, James, Jones of Con., Jones of Cov., Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, mundy, Musgrove, Norris, Norwood, Perkins, Randolph, Rice, Rodgers, Rushing, Smith of T., Spruill, Steele, Storrs, Taylor, Valliant, Walker of B., Walker of L., Ware, Woodward, Wynn and Young, of the House—90.

Mr Harwell having received all the votes given. Mr Speaker declared him duly elected judge of the county court of Covington county, for the ensuing term of six years.

The next election was for a judge of the county court of Henry, Seymore White being alone in nomination.

Those who voted for Mr White are, of the Senate, messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Dailey, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.; messrs Speaker, Alexander of Laud., Allen, Armbrister, Barker, Barron, Bradley, Bishop, Cain, Crawford, Clemens, Chiles, Crenshaw, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Heflin, Hendricks, Henry, Henslee, Hunter, James, Jones of Con., Jones of Cov., Jefferson, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rushing, Rice, Rodgers, Smith of L., Smith of T., Spruill, Steele, Storrs, Taylor, Valliant, Walker of B., Walker of L., Ware, Woodward, Wynn and Young, of the House—93.

Mr White having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Henry.

The Houses next proceeded to the election of a judge of the county court of Dale county, Elijah Payne alone being in nomination.

Those who voted for Mr Payne are of the Senate, messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers, Toulmin, Turner, Thornton, Watrous and Wilson of J.; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Barker, Barron, Bradley, Cain, Covington, Chiles, Crenshaw, Cochran, Clemens, Crawford, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Haughton, Heflin, Hunter, Jones of Con., Jones of Cov., James, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of L., Smith of T., Spruill, Steele, Storrs, Valliant, Walker of B., Ware, Woodward, Wynn and Young of the House.—88.

Scattering, four.

Mr Payne having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Dale county for the term prescribed by law.

The two Houses next proceeded to the election of a Trustee of the 1st judicial circuit for the University of Alabama; Duncan W. Murphy alone being in nomination.

Those who voted for Mr Murphy are of the Senate, messrs President, Andress, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McConnell, McClanahan, McVay, McAllister, Phillips, Ross, Rodgers, Toulmin, Thornton, Watrous and Wilson of J.; messrs Speaker, Alexander of Laud., Allen, Barker, Barron, Bishop, Bradley, Cain, Cochran, Crawford, Crenshaw, Chiles, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Haughton, Harris, Heflin, Hendricks, Henry, Henslee, Hunter, James, Jones of Con., Jones of Cov., Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., Mc-



Million of J., Mitchell, moors, Morgan, Musgrove, mundy, Norman, Norris, Norwyod, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Steele, Storrs, Smith of L., Smith of T., Spruill, Taylor, Valliant, Walker of B., Walker of L., Ware, Winston, Woodward, Wynn and Young, of the House.—95.

Mr Murphy having received a majority of all the votes given Mr Speaker declared him duly elected Trustee of the University of Alabama.

The two Houses next proceeded to the election of Trustee for the 10th judicial circuit, Isaac H. Erwin alone being in nomination.

Those who voted for Mr Erwin are of the Senate messrs President, Brindley, Baylor, Andress, Clarke, Creagh, Dent, Foster, Jones, King, Lea, McClanahan, McConnell, McAllister, McVay, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.; and messrs Speaker, Alexander of Laud., Allen, Barker, Barron, Bradley, Bishop, Cain, Chiles, Crenshaw, Cochran, Crawford, Clemens, Davis of B., Davis of L., Fletcher, Garland, Gardner, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Henslee, Henry, Hendricks, Heflin, Hunter, James, Jones of Con., Jones of Cov., Kidd, Kennedy, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Steele Storrs, Rice, Randolph, Rodgers, Smith of L., Smith of T., Taylor, Valliant, Walker of B.; Walker of L., Ware, Winston, Woodward, Wynn and Young, of the House.—95.

Mr Erwin having received a majority of all the votes given, Mr Speaker declared him duly elected a Trustee of the University of Alabama for the 10th judicial circuit.

The two Houses next proceeded to the election of a Chancellor for the middle chancery Division.

Messrs J. L. Martin, E. W. Peck and S. P. Storrs, being in nomination.

Those who voted for Mr Martin are of the Senate messrs President, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McClanahan, McVay, Rodgers, Thornton, Toulmin and Turner; and messrs Speaker, Alexander of Laud., Allen, Barker, Clemens, Davis of D., Fletcher, Garland, Griffin of M., Haughton, Hendricks, Henslee, James, Kennedy, Kidd, marchbanks, B. McAlpin, Mcmillion of B., musgrove, Norman, Randolph, Rushing, Smith of L., Taylor, Valliant, Walker of L., Winston, Woodward and Wynn of the House.—42.

Those who voted for Mr Peck are of the Senate messes Andress, Buford Dent, Hunter, King, Lea, Phillips and Ross; and messrs Barron, Bradley, Cain, Crenshaw, Crawford, Erwin, Gresham, Griffin of S., Harris, Henry, Houston, Jones of Con., Justice, mason, R. C. McAlpin, Mcmillion of J., mitchell, moors, mundy, Norris, Norwood, Perkins, Smith of T., Spruill, Walker of B. and Jones of the House of Representatives—32.

Those who voted for Mr Storrs are of the Senate messrs McAllister, McConnell, Watrous and Wilson of J.; and messrs Bishop, Cochran, Davis of B., Griffin of J., Heflin, Henry, McLemore, morgan, Phillips, Rice, Rodgers, Steele, Storrs and Ware of the House of Representatives.—18.

Neither having received a majority the two Houses proceeded to a second balloting.

**Those who voted for Mr. Martin are of the Senate messrs President, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McClanahan, McVay, Rodgers, Thornton, Toulmin, Turner and Ross; messrs Speaker, Alexander of Laud, Allen, Barker, Clemens, Davis of L., Fletcher, Garland, Griffin of M., Haughton, Heflin, Hendricks, Henslee, James, Kennedy, Kidd, Marchbanks, B. McAlpin, McMillion of B., Musgrove, Norman, Randolph, Rushing, Smith of L., Taylor, Valliant, Walker of B., Winston, Woodward and Wynn, of the House.—43.**

Those who voted for Mr Peck are of the Senate messrs Address, Buford, Dent, Hunter, King, Phillips and Ross; messrs Barron, Bradley, Cain, Crenshaw, Crawford, Erwin, Griffin of S., Harriss, Henry, Hunter, Jones of Con., Justice, Mason, R. C. McAlpin, McMillion of J., Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Smith of T., Spruill and Walker of B., of the House of Representatives.—32.

And those who voted for Mr Storrs are, messrs Lea, McAllister, McConnell, Watrous and Wilson of J., of the Senate; and messrs Bishop, Cain, Davis of B., Gresham, Griffin of J., King, McLemore, Morgan, Phillips, Rice, Rodgers, Steele, Storrs and Ware of the House.—19.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a third time.

Those who voted for Mr Martin are, messrs President, Brindley, Clarke, Creagh, Foster, Jones, McAllister, McClanahan, McVay, Rodgers, Thornton, Toulmin and Turner of the Senate; and messrs Speaker, Alexander of Laud., Allen, Barker, Clemens, Cochran, Davis of L., Fletcher, Garland, Griffin of M., Haughton, Heflin, Hendricks, Henslee, James, Kennedy, Kidd, Marchbanks, B. McAlpin, McMillion of B., Musgrove, Norman, Randolph, Rushing, Rodgers, Smith of L., Taylor, Valliant, Walker of L. Winston and Wynn of the House.—46.

Those who voted for Mr Peck are, messrs Address, Buford, Dent, Hunter, King, Lea and Ross of the Senate; and messrs Barron, Bradley, Cain, Crenshaw, Crawford, Erwin, Griffin of S., Henry, Hunter, Jones of Con., Justice, Mason, R. C. McAlpin, McLemore, McMillion of J., Mitchell, Marchbanks, Norris, Norwood, Perkins, Smith of T., Spruill, Walker of B., of the House.—33.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a fourth time; the name of Mr Storrs being withdrawn."

Those who voted for Mr Martin are, messrs President, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Allen, Barker, Bishop, Clemens, Cochran, Davis of L., Fletcher, Garland, Griffin of J., Griffin of M., Haughton, Heflin, Hendricks, Henslee, James, Kennedy, Kidd, Marchbanks, B. McAlpin, McMillion of B., Morgan, Musgrove, Norman, Phillips, Randolph, Rushing, Smith of L., Steel, Taylor, Valliant, Walker of B., Walker of L., Winston, Woodward and Wynn of the House.—54.

Those who voted for Mr Peck are, messrs Address, Buford, Dent, Hunter, King, Lea, Phillips, Ross and Watrous of the Senate; and messrs Barron, Bradley, Cain, Crenshaw, Crawford, Davis of B., Erwin, Gresham, Griffin of S., Henry, Hunter, Jones of Con., Justice, Mason, R. C. McAlpin, McMillion of J., Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Smith of T., Spruill, Strong, Ware and Young of the House.—37.

**Mr Martin** having received a majority of all the votes given, was declared by **Mr Speaker**, to be duly elected Chancellor for the Middle Chancery Division of Alabama, for the term prescribed by law.

The two houses next proceeded to the election of five individuals, to constitute the medical board of the town of Florence, but upon a call of the roll, it was ascertained that a quorum was not present, consequently no election could be made.

Whereupon the Senate withdrew to their chamber.

The House then adjourned until to-morrow morning 9 o'clock.

FRIDAY, December 31, 1841.

The House met pursuant to adjournment.

**Mr Griffin** of S. from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles, to wit:

An act to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein named, and for other purposes;

An act to extend the jurisdiction of justices of the peace in certain cases;

Message from the Senate by **Mr Clitherall**:

**Mr Speaker**—The Senate recedes from their amendments to a bill entitled an act providing for holding extra terms of the chancery court, and for other purposes;

And have adopted the accompanying Joint resolution in relation to the admission of Texas into the Union.

Also, resolutions dissolving, on the part of the Senate, the joint examining committee for the investigation of bank frauds.

In all of which the concurrence of your honorable body is respectfully asked.

Message from his excellency the Governor by **Mr Harrison**:

**Mr Speaker**: His Excellency the Governor did on this day approve and sign bills of the following titles, to wit:

An act to make county claims receivable in payment of county taxes in Dale county.

An act to divorce Elizabeth Steelman from her husband William Steelman.

An act to incorporate the Tallapoosa manufacturing company.

An act granting certain privileges to Alexander Findley of De Kalb county.

An act to appoint court house commissioners of the county of Tallapoosa, and for other purposes therein specified.

An act to divorce Martha Ann Ball from her husband Fessenden Ball.

Which bills originated in the House of Representatives.

**Mr Walker** of L. from the joint examining committee made the following report.

The joint examining committee at an early day after their election by the two houses of the General Assembly, proceeded to discharge the duties required of them. According to the existing laws, members from the several counties are required to examine the indebtedness of the different counties. They are sorry to say that many of the debts were not examined, owing in many instances, to the ill health of members, or to their being engaged in other duties on the nights set apart for the examination. But your committee are all of opinion that much of the difficulty arises from the great variety of debts scattered through different books, and classified under different heads. The committee would recommend, that hereafter all the debts should be consolidated under the head of their respective counties; as is done at the State Bank; The foregoing remarks will

serve to account partly, at least, for the apparently large amounts of debts marked "unknown." Whereas the committee entertain no doubt that a large portion of that class of debts will turn out unquestionably good.

Your committee found upon examination of the various laws regulating the Bank and branches, that their powers were confined chiefly to the affairs of the State Bank; and as no charges of a recent date, in regard to transactions in that institution have been preferred, the committee did not feel at liberty to set on foot any examination into its proceedings.

They further state that the report made by the commissioners to the two houses, was of so recent a date, that they did not deem it necessary to examine the amount of specie, notes, &c., although, clothed with authority to do so.

The committee take this occasion to say, that examination annually made by the committee, subject to constant interruptions as it is, on account of other Legislative duties, must always be superficial; too much so entirely, to enable them to furnish a definite idea, or thorough understanding of the actual condition of our banking affairs.

The committee differ materially among themselves, in regard to ultimate success of our present banking system, but forbear to introduce their differences into this report.

And though their labors have (it must be acknowledged,) been of a supervisory and clerical character, and did not lead to a thorough and full examination in general and in detail, the session being now near a close, they respectfully ask leave to submit the following statement, marked A, and be discharged.

TANDY W. WALKER.

FELIX G. NORMAN.

ROBERT J. WARE.

Mr Mitchell from the committee on enrolled bills reported that they have examined and find correctly enrolled, bills of the following titles, viz:

An act making appropriations for the year one thousand eight hundred and forty two.

An act to extend the charter of a certain turnpike road therein named.

An act to locate the seat of Justice of Marion county, and for other purposes.

An act to change the time of holding the county court of Lauderdale county.

An act to abolish brigade encampment drills in the thirteenth brigade and fifth division.

An act to confirm the emancipation of certain persons therein named

An act to incorporate the Oak Grove male and female Academy in Pickens county.

An act to authorize the commissioners in township, No. 19, in Talladega county; to do acts therein named, and

An act to confirm the emancipation of certain persons therein named.

message from the Senate by Mr. Clitherall.

Mr Speaker: The Senate adheres to its amendment to the bill to amend an act entitled an act regulating punishments under the penitentiary system, approved, Jan. 9th, 1841.

Mr Davis of L. introduced a bill to be entitled an act to reduce the fees of notarys public in this State; which was read the first time.

Mr Davis of L. moved to suspend the constitutional rule requiring bills to be read on three several days in order to give the bill a second reading forthwith; which was lost.—yeas 27, nays 28.

The yeas and nays being demanded.

Those who voted in the affirmative are messrs Barker, Chiles, Davis of L. Fletcher, Garland, Griffin of m. hammond, hendricks, Jones of Con. Jones of

Cov. Kennedy, Kidd, Marchbanks, Mason, Mcmillion of B. Mcmillion of J. Mitchell, mundy, musgrove, Norris, Norwood, Sprewill, Steele, Troup, Valliant, Winston and Woodward.

Those who voted in the negative are messrs Speaker, Alexander, of Laud. Allen, Barker, Barron, Bishop, Bradley, Covington. Crenshaw, Crawford, Davis of B. Erwin, Ford, Gresham, Griffin of S. haughton, heflin, henry, Justice, B. mcAlpin, moors, Norman, Randolph, Rice, Rodgers, Smith of J. Smith of T. Walker of B.

The bill was then ordered to a second reading on to-morrow.

Mr Erwin from the committee on internal improvement made the following report:

The committee on internal improvement have had under consideration the bill to be entitled an act to appropriate three thousand dollars, to cut a canal in the county of Limestone, and instructed me to report the same as inexpedient, and ask to be discharged from the further consideration of the subject; which was concurred in, and the committee discharged.

Mr Walker of B. from the judiciary committee to which was referred the bill to be entitled an act to authorize the trustees of the methodist Episcopal church, of Pickens county, called Tabernacle, to hold real estate as therein shown, reported that they have had the same under consideration, and have instructed me to report the bill back without amendment, and they recommend its passage.

The bill was then read the third time and passed.

Mr Walker of B. from the same committee, to which was referred the bill to be entitled an act for the relief of John Starnes, reported that they have had the same under consideration, and deem it inexpedient to pass the bill, which was laid on the table.

Mr Walker of B. from the select committee to which was referred the vouchers of Wm. Garrett, Secretary of State, for stationery purchased by him under the act of the Legislature of 1831, reported that they have examined and compared them with the amount of money drawn by him, from the Treasury of the State, and beg leave to report that the stationery purchased agreeable to the bill furnished, including all costs and charges, amounts to the sum of one thousand and fifty two dollars and eighteen and a half cents, and that the amount of money drawn by him to purchase the stationery aforesaid, is one thousand seventy dollars, leaving a balance of seventeen dollars and ninety-one and a half cents which is left in the hands of A. T. Crozier, to compensate him for his trouble in purchasing the stationery.

Your committee feel satisfied that the money drawn by the Secretary of State, has been prudently and properly applied, and that the contracts made by the Secretary, for the purchase of the stationery have been a great saving to the State.

Your committee have compared the purchase made by the Secretary in this instance with several others heretofore made, and find the amount of money applied for the purchase of stationery, the present year much less.

The act of 1831, under which the Secretary made this purchase. does not require any bond for the faithful application of the money drawn by that officer, for the purposes before stated; and as it has been so beneficially and savingly applied, your committee in justice to that faithful officer, cannot refrain at this time, from expressing their entire approbation at the manner in which he has applied this money for the purchase of stationery.

THOS. A. WALKER of B. Chairman,  
R. C. mcALPIN,  
JEPHTHA SPREWILL,  
ROBERT J. WARE.

Which was ordered to lie on the table.

Mr Davis of B. from the committee on accounts to which was referred the accounts of John B. Dixon, James A. Branch, James C. Watkins, James M. Austin, E. Henry, F. Hodges & Co., Jonathan O. Bullard, and Armstrong Smith, having considered the same, reported a bill to be entitled an act to pay John B. Dixon and others; which was read and ordered to a second reading.

Mr Taylor from the committee on propositions and grievances, to which was referred sundry documents from Walker county, reported that they have not been able to have any action thereon, and ask to be discharged from their further consideration.

The committee was discharged.

Mr Norman from the committee on military affairs, to which was referred sundry papers from the citizens of Mobile, in regard to taking care of the tents for the State, reported that they had the same under consideration, and deemed it inexpedient to Legislate on the subject, and ask to be discharged from its further consideration.

The committee was accordingly discharged.

Mr. Norman from the same committee to which was referred the petition of sundry persons of Walker County, in relation to an additional Beat in said County, having considered the same, reported that it is inexpedient to legislate on the subject, and ask to be discharged from its further consideration.

The committee was accordingly discharged.

Mr. Davis of B. from the committee on Accounts, to which was referred the bill, making appropriations to pay for books and stationery, for the several Chancery Courts, in this State, having amended the same, reported a bill, as a substitute to be entitled an act to provide for the payment of the necessary stationery, &c., of Registers in Chancery, and recommend its passage.

Which was read and laid on the table.

Mr. Rushing from the committee on Divorce and Alimony, to which was referred the decree in Chancery, divorcing the bonds of matrimony heretofore subsisting between John T. Lehr and his wife Sally Lehr, having had the same under consideration, reported a bill to be entitled an act to divorce John T. Lehr, from his wife Sally Lehr, which was read, and the rules requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and said rule being further dispensed with, the bill was taken as engrossed, read a third time, and passed.

Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr. Troup from the committee on Military Affairs, to which was referred the petition from the 15th Brigade Alabama militia, reported that they had considered the same, and deem it inexpedient to legislate thereon, and respectfully ask to be discharged from its further consideration.

The committee was accordingly discharged.

Mr. Winston from the select committee to which was referred the bill to be entitled an act to secure debts due the State Bank and Branches, having had the same under consideration, reported it back to the House, with the following amendment, viz: "Provided nothing herein contained shall be so construed, as to make liable any person on paper, the parties to which at the time of recommending them were each notoriously solvent.

Which was laid on the table.

Mr. Winston from the select committee to which was referred the bill to be entitled an act to alter the time of holding the Circuit Courts, in certain counties therein named, reported that they have had the same under consideration,

and deem it inexpedient to legislate on the subject, and ask to be discharged from its further consideration.

They were accordingly discharged.

Mr. Erwin from the select committee to which was referred the bill to be entitled an act to extend the time for bringing suits against executors and administrators, and for other purposes, reported that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on the subject at this time, and ask to be discharged from its further consideration.

The committee was accordingly discharged.

Mr. Walker of B. from the committee on the Judiciary, to which was referred several bills and petitions for their consideration, reported the same back to the House, as unfinished business, they not having had time to investigate the same and ask leave to be discharged from the further consideration thereof.

The committee was accordingly discharged.

The bill from the Senate entitled an act for the relief of Bethel Holmes, was read and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and said rule was further suspended, and the bill read the third time forthwith and passed.

Ordered that the Senate be acquainted therewith.

Joint Resolutions from the Senate for the admission of Texas, into the Union, was read and adopted.

Ordered that the Senate be acquainted therewith.

Message from His Excellency the Governor, by Mr. Harrison :

Mr. Speaker : His Excellency the Governor, has approved and signed the following bills, to wit :

An act to incorporate the Florence Lyceum.

An act to authorize the sale of property at the town of Farfield, in Pickens County, and also at Greensboro, in the County of Greene.

An act to alter the mode of electing assessor and tax collector, for Montgomery County.

An act to divorce Eliza Briggs from her husband Hugh H. Briggs.

An act making appropriations for the payment of members of the General Assembly, and the officers of the same.

An act to provide for a more effectual organization of the 24th regiment of Alabama militia.

And, an act to appoint public weighers in the town of Wetumpka.

Which bills originated in the House of Representatives.

Mr. Clemens moved to call up the resolutions in relation to the distribution of the proceeds of the public land, which was taken up, and under consideration.

Mr. Clemens moved the previous question, which was carried—yeas 31, nays 25.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud. Allen, Armbrister, Bishop, Clemens, Garland, Griffin of J. Griffin of M. Hammond, Haughton, Hendricks, Jones of Cov. Kennedy, Marchbanks, B. McAlpin, McMillion of J. Musgrove, Norman, Randolph, Rice, Rodgers, Rushing, Smith of J. Steele, Taylor, Troup, Walker of B. Walker of L. Winston and Wynn.

Those who voted in the negative are, messrs. Barron, Bradley, Chiles, Covington, Crenshaw, Crawford, Davis of B. Erwin, Ford, Gresham, Griffin of S. Henry, Jones of Con. Mason, R. C. McAlpin, Mitchell, Moores, Mundy, Norris, Norwood, Perkins, Smith of T. Storrs, Valliant and Young.



The question was then on adoption, and carried—yeas 38, nays 25.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud. Allen, Armbrister, Barker, Bishop, Clemens, Cochran, Davis of L. Garland, Griffin of J. Griffin of M. Hammond, Haughton, Hendricks, Jones of Cov. Kennedy, King, Marchbanks, B. mcAlpin, mcMillion of J. Musgrove, Norman, Randolph, Reynolds, Rice, Rogers, Rushing, Smith of J. Steele, Taylor, Troup, Valliant, Walker of B. Walker of Law. Winston, Woodward and Wynn.

Those who voted in the negative are, messrs. Barron, Bradley, Chiles, Covington, Crenshaw, Crawford, Davis of R. Erwin, Ford, Gresham, Griffin of S. Henry, Jones of Con. Kidd, Mason, R. C. mcAlpin, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Smith of T. Storrs and Young.

Message from the Senate by mr. Philpot :

Mr. Speaker : The Senate has passed a bill which originated in the House of Representatives, to divorce John F. Lehr from his wife Sally Lehr.

mr. Crenshaw, from the committee on enrolled bills, reported as correctly enrolled,

An act for the relief of Bethel Holmes.

The bill from the Senate making provision to secure bad debts &c. was read the third time and passed.

Ordered that the Senate be acquainted therewith.

The bill from the Senate to provide for defraying the expenses of the chancery courts, was read a third time and passed.

Ordered that the Senate be acquainted therewith.

The bill to divorce Juliana Simmons from her husband Richard Simmons, was read the third time and passed.

Ordered that the title be as aforesaid.

And, that it be sent to the Senate for concurrence.

mr. Cochran, from the committee on enrolled bills, made the following report :

The committee on enrolled bills have examined and find correctly enrolled,

An act to divorce John F. Lehr from Sally Lehr.

And an act to compensate John M. Cooper, a contractor for work on the Tombeckbee river, and for other purposes.

mr. Mitchell, from the same committee, reported as correctly enrolled,

An act to incorporate Lafayette artillery.

And, an act to compensate certain persons therein named.

message from the Senate, by mr. Clitherall :

Mr. President : The Senate have read three several times and passed a bill which originated in the House of Representatives, to divorce Juliana Simmons from her husband Richard Simmons.

The bill from the Senate relative to a sacrifice of real estate, was read the third time.

Mr. Moore of madison, moved to lay the bill upon the table, which was lost—yeas 12, nays 39.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Alexander of Laud. Barron, Bradley, Crenshaw, Davis of L. Hammond, Mitchell, Mundy, Norris and Spruell.

Those who voted in the negative are, messrs. Allen, Barker, Chiles, Coch.

ran, Covington, Davis of B. Erwin, Ford, Garland, Gresham, Griffin of J. Griffin of S. Heflin, Hendricks, Henry, Kidd, King, Mason, B. mcAlpin, R. C. mcAlpin, mcMillion of J. Norman, Perkins, Randolph, Reynolds, Rodgers, Smith of J. Smith of T. Steele, Storrs, Taylor, Troup, Valliant, Walker of B. Walker of L. Winston and Woodward.

Mr. Davis of L. moved to amend the bill with a proviso, by way of engrossed rider, which was adopted.

The bill was then read the third time and passed.

Ordered that the Senate be made acquainted therewith.

A message from his Excellency the Governor, by Mr. Harrison :

Mr. Speaker : His Excellency the Governor has approved bills of the following titles, to-wit :

An act to confirm the emancipation of certain slaves therein named.

An act to incorporate Oak Grove male and female academy in Pickens c'ty.

An act to confirm the emancipation of certain persons.

An act to abolish brigade encampment drills in the 13th brigade, 5th division.

An act to change the time of holding the county courts of Lauderdale co'ty.

An act to locate the seat of justice in Marion county and for other purposes.

An act to extend the charter of a turnpike road therein named.

An act to incorporate the Alabama State Agricultural society.

An act to extend the jurisdiction of justices of the peace in certain cases.

An act to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein named.

An act for the relief Bethel Holmes.

And an act making appropriations for the year 1842.

Which bills originated in the House of Representatives.

The bill from the Senate in relation to Cahaba river was read.

Mr. Spruell moved to lay it on the table, which was lost—yeas 17, nays 34.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Alexander of Laud. Allen, Cochran, Crawford, Davis of L. Garland, Griffin of J. Hendricks, Mundy, Perkins, Randolph, Rogers, Smith of J. Spruell, Walker of Law. and Wynn.

Those who voted in the negative, are messrs. Speaker, Armbrister, Barker, Barron, Bradley, Cain, Chiles, Covington, Crenshaw, Davis of B. Erwin, Ford, Gresham, Griffin of S. Henry, Jones of Cov. Kennedy, King, Mason, B. mcAlpin, R. C. mcAlpin, mcMillion of J. Mitchell, Musgrove, Norman, Norwood, Norris, Reynolds, Smith of T. Steele, Storrs, Walker of B. Winston and Woodward.

Mr. Griffin of from the committee on enrolled bills, reported as correctly enrolled,

An act to divorce Juliana Simmons from her husband Richard Simmons.

And, an act for the better regulation of the management of steamboats.

The bill from the Senate in relation to the Cahawba river being under consideration, Mr. Moore of Madison moved to amend by additional section, which was carried—yeas 29, nays 23.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker, Armbrister, Barron, Bradley, Chiles, Clemens, Covington, Davis of B. Davis of L. Erwin, Ford, Gresham, Griffin of J. Griffin of S. Henry, Jones of Cov. Kennedy, King, R. C. mcAlpin, mcMillion of J. Musgrove, Norris, Norwood, Perkins, Reynolds, Smith of T. Storrs, Troup and Wynn.

Those who voted in the negative are, messrs Allen, Cain, Cochran, Crenshaw, Crawford, Garland, Hendricks, Mason, B. McAlpin, Mitchell, Mundy, Norman, Randolph, Rogers, Smith of J. Spruell, Steele, Taylor, Valliant, Walker of B. Walker of L. Winston and Woodward.

Mr Cochran, from the committee on enrolled bills, reported, as correctly enrolled:

An act to extend and change the time of holding the spring term of the circuit courts in certain counties therein named; and

An act to incorporate a manufacturing company at the Great Falls of the Tallapoosa river in the county of Tallapoosa.

Message from his excellency the Governor by Mr Harrison:

Mr *Speaker*—His excellency the Governor did on this day approve and sign bills of the following titles, to wit:

An act to divorce Simeon Wheeler from Catharine Wheeler;

An act to authorize the appointment of overseers to work on a certain road therein named;

An act for the relief of James M. Goodwin and others;

An act to compensate messrs Walker and Sellers for merchandize furnished by them for the use of the State of Alabama;

An act to extend the next term of the circuit court of Greene county to eighteen judicial days;

An act to authorize the clerk of the circuit court of Randolph county to record in his office all deeds of conveyance acknowledged or proved before him;

An act to incorporate the Tallapoosa lyceum;

An act to regulate the practice of dental surgery, and for other purposes; and

An act providing for the holding of extra terms of the chancery courts, and for other purposes.

Which originated in the House of Representatives:

The amendment offered by Mr Norris to the Senate's bill in relation to the Cahawba river, being under consideration.

Mr Spruell moved to lay it upon the table.

And then the House adjourned until 3 o'clock this evening.

EVENING SESSION, 3 o'clock.

The House met pursuant to adjournment.

Message from the Senate by Mr Clitherall:

Mr *Speaker*—The Senate has instructed me to inform your honorable body of their concurrence in the amendment of the House to the resolution of the Senate proposing to elect a medical board for the town of Florence, and have amended the same by striking out "one" and inserting "four."

In which the concurrence of your honorable body is respectfully asked.

The Senate also concur in the amendments made by the House of Representatives to bills of the following titles:

An act for the relief of William B. H. Howard and Edmond Gaillard, of the county of Monroe, and others;

An act to cause the commissioners of the penitentiary to be paid for their services;

An act to prevent the sacrifice of real estate;

The House concurred in the amendment made by the Senate to resolutions to go into the election of a medical board for the town of Florence.

**Mr Griffin of S.** from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles, to wit:

An act to establish jury trials in justices' courts in certain counties in this State, and to regulate the proceedings therein;

An act better to secure unknown, bad and doubtful debts owing to the bank of the State of Alabama and branches;

An act to authorize A. J. Kidd, B. C. Gay, and their associates, to erect a wharf on the Tombeckbee river in the town of Demopolis, Marengo county;

Joint resolutions in relation to the admission of Texas into the Union.

The bill from the Senate for the relief of the tax collector of Barbour county, was read the third time, and passed.

Ordered that the Senate be made acquainted therewith.

Message from the Governor by *mr Harrison*:

*Mr Speaker*—His excellency the Governor has approved bills of the following titles, to wit:

An act to divorce Julia Ann Simmons from her husband, Richard Simmons;

An act to compensate certain persons therein named.

An act to incorporate the Lafayette artillery.

Which originated in the *House of Representatives*.

The Senate then by invitation from the *House*, assembled in the Representative hall.

The two Houses then proceeded to the election of a board of physicians for the town of Florence: messrs B. F. Crittenden, W. C. Cross, J. T. Hartgroves, Henry M. McVay, Hamilton H. Posey being in nomination.

Those who voted for *mr Crittenden* were, of the Senate, messrs President, Andress, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Ross, Rogers, Thornton, Toulmin, Turner, Wilson of J.; of the House of Representatives, messrs Speaker, Alexander of Land, Allen, Barker Barron, Bishop, Bradley, Cochran, Crawford, Davis of B. Davis of L. Fletcher, Garland, Griffin of J. Haughton, Henry, Justice, Kennedy, Kidd, King, marchbanks, mason, B. McApin, memillion of B. memillion of J. Mitchell, musgrove, Norman, Norwood, Randolph, Rogers, Rushing, Spruell, Steele, Storrs, Valliant, Walker of B. Walker of L. Winston and Woodward.

The same vote was given for *mr Hartgroves*; the same vote was given for *mr McVay*, the same vote was given for *mr Cross*; and the same vote was given for *mr Posey*.

messrs B. F. Crittenden, William C. Cross, J. T. Hartgroves, Henry McVay and Hamilton H. Posey, having each received the whole number of votes given, *mr Speaker* declared them duly elected a board of physicians, and members for the medical board for the town of Florence.

The Senate then withdrew.

The bill from the Senate to improve the navigation of the Cahawba river being under consideration,—with the amendment offered by *Mr Norris* thereto:

*Mr Walker of B.* moved to lay the bill on the table, which was carried.—Yeas 26, Nays 24.

The yeas and nays being demanded.

Those who voted in the affirmative are messrs Allen, Barker, Cain, Cren-

shaw, Crawford, Garland, Hammond, Hendricks, Jones of Cov., King, Mason, B. McAlpin, Mitchell, Norman, Randolph, Rodgers, Rushing, Smith of T., Spruill, Taylor, Valliant, Walker of B., Winston, Woodward and Young.

Those who voted in the negative are messrs Speaker, Alexander of Laud., Barron, Bradley, Chiles, Covington, Davis of B., Davis of L., Erwin, Ford, Gresham, Griffin of J., Griffin of S., Haughton, Henry, Kennedy, R. C. McAlpin, Norris, Norwood, Perkins, Reynolds, Smith of J., Steele, Storrs and Troup.

So the bill was laid on the table.

Mr McAlpin moved that the House disagree to the amendment made by the Senate to their bill, to amend an act entitled an act, regulating punishments under the Penitentiary system, approved Jan. 9, 1841; which was carried.

The bill from the Senate respecting depositions &c., was read the second time.

Mr Griffin of S., moved that it lay upon the table, which was carried.

And the bill was laid upon the table.

Joint resolutions of the General Assembly from the Senate, authorising the Governor to appoint an additional number of Aid de Camps, &c., was read and on motion of Mr Walker of B., was indefinitely postponed.

Message from the Senate by Mr Philpott.

Mr Speaker,—The Senate has amended the amendment of the House proposing to adjourn on the 25th Dec., 1841, and have amended the same by striking out "31st instant," and inserting "1st day of Jan., next," in which the concurrence of the House of Representatives is requested.

They have read three several times and passed a bill which originated in the House of Representatives, supplementary to an act to divide the State of Alabama into three chancery divisions, and for other purposes, approved 13th December, 1841.

Also a bill for the payment of certain claims against the State.

Message from the Governor by Mr Harrison.

Mr Speaker,—His Excellency the Governor has approved bills of the following titles, to wit:

An act to incorporate a manufacturing company at the great falls of the Tallapoosa river, in the county of Tallapoosa; and

An act to extend and change the time of holding the spring terms of the county courts of certain counties therein named.

Which billis originated in the House of Representatives.

Mr Griffin of S., from the committee on enrolled bills reported that they had examined, and find correctly enrolled, a bill of the following title, to wit:

An act to provide for defraying the expenses of the chancery courts of the State:

Also a joint resolution of the General Assembly of Alabama in regard to an act of Congress of the United States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved September 4, 1841.

Also bills entitled,

An act supplementary to an act to divide the State of Alabama into three chancery divisions, and for other purposes, approved Dec, 13, 1841; and

An act for the payment of certain claims against the State; also

A joint memorial of the General Assembly of the State of Alabama to the Congress of the United States.

The bill from the Senate to raise a school fund for the benefit of the poor, &c. was read.

Mr Winston moved to lay the bill upon the table, which was lost. Yeas 21, Nays 25.

The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Alexander of Lowndes, Allen, Barker, Cain. Davis of B., Davis of L., Ford; Garland, Hammond, Haughton. Hendricks. Jones of Cov., Kennedy, Norman, Reynolds, Rodgers, Taylor, Valliant, Walker of L., Winston and Woodward.

Those who voted in the negative are, messrs Speaker, Armbrister, Barron, Bradley, Chiles, Covington, Crenshaw, Crawford, Gresham, Griffin of J., King, Mason, B. McAlpin, R. C. McAlpin, McMillion of J., Mitchell, Norris, Perkins, Randolph, Smith of T., Spruill, Steele, Storrs and Walker of B..

Mr Clemens moved a call of the House, which was had, when the following members did not answer to their names, viz:.

Messrs Alexander of Land., Bishop, Broughton, Burleson, Cochran, Covington, Davenport, Fletcher, Ford, Gardner, Griffin of m., Harris, Henslee, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of m., Jefferson, Jemison, Justice, Kidd, Marchbanks, Mason, McAllister, S. McAlpin, McLemore, McLeod, McMillion of B., Moore, Moors, Morgan, Mundy, Musgrove, Phillips, Reynolds, Rhodes, Scott, Smith of H., Smith of L., Storrs, Stinson, wallace; Ware, Yancy and Young.

Mr Valliant moved that the House adjourn till to-morrow morning half past 9 o'clock, which was lost.—Yeas 15, Nays 28.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker, Barron, Barker, Cain, Covington, Davenport, Erwin, Hammond, Mitchell, Norman, Norris, Rodgers, Smith of T., Taylor and Valliant.

Those who voted in the negative are, messrs Alexander of Land., Armbrister, Allen, Chiles, Crenshaw, Davis of B., Garland, Gresham, Griffin of J., Griffin of S., Hendricks, Henry, Kennedy, King, mason, B. McAlpin, R. C. McAlpin, McMillion of J., Norwood, Perkins Randolph, Rice, Rushing, Steele, Troup, Walker of B. and Woodward.

So the House refused to adjourn.

Mr B. McAlpin offered the following resolution:

Resolved, that the door keeper do forthwith summon the members now in the city of Tuscaloosa to attend to-morrow morning at 10 o'clock, in the Hall of the House of Representatives, he shall note the names of all members, and make a return of their names; and any member so summoned, failing to attend, shall be fined in the sum of one hundred dollars, which shall be collected as all fines are collected for non-attendance as witnesses; and it shall be the duty of the Attorney General to cause a prosecution against any member, who shall appear to be summoned by the door keeper and refuse to attend, provided the roll be called, and all who answer to their names be considered as notified, and the door keeper notify those who are in the city and who are not now present; which was adopted.—Yeas 24, Nays 17.

The yeas and nays being demanded,

Those who voted in the affirmative are messrs Alexander of Loud., Allen, Armbrister, Bradley, Crenshaw, Garland, Gresham, Griffin of J., Griffin of S., Hendricks, Henry, Kennedy, King, Mason, B. McAlpin, R. C. McAlpin, McMillion of J., Rice, Rushing, Steele, Troup, Walker of B. and Woodward.

Those who voted in the negative are messrs Speaker, Barker, Barron, Cain, Chiles, Covington, Davis of B., Davis of L., Hammond, Mitchell, Norman, Norwood, Randolph, Rodgers, Taylor and Valliant.

And the House adjourned until to-morrow at 10 o'clock.

SATURDAY, Jan., 1st, 1842.

The House met pursuant to adjournment.

Mr Kennedy, from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit:

An act to cause the commissioner of the Penitentiary to be paid for their services.

An act to prevent a sacrifice of real estate.

An act to amend the law in relation to State cases; and

An act for the relief of Allison Warren, late tax collector of Barbour county.

Message from the Governor by Mr Harrison.

Mr Speaker: His Excellency the Governor did on yesterday approve and sign a bill entitled an act for the better regulation of steam boats, which originated in the House of Representatives.

On motion of ——— the House concurred in the amendments made by the Senate to their resolution proposing to adjourn sine die this day.

The bill from the Senate to compel the bank of the State of Alabama and the branch banks at Huntsville, Decatur and Montgomery to keep their accounts with the branch bank in Mobile, was read the second time and laid on the table.

The bill to prevent frauds in elections was read, the amendments thereto considered and concurred in.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Rushing introduced a bill to be entitled

An act supplementary to an act entitled an act to divide the State of Alabama into three chancery divisions and for other purposes, approved Dec. 30th 1841, which was read and ordered to a second reading.

Message from the Senate by Mr Philpot:

Mr Speaker—The Senate has adopted the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a number of the captions of the acts passed at the present session, be printed, sufficient to furnish each member of the two houses with 30 copies: that the door-keepers of the two houses, furnish the same to members as soon as possible—in which the concurrence of the House is respectfully asked.

Mr Young from the joint examining committee made the following report:

The undersigned members of the joint examining committee on bank frauds ask leave to place on the journals of the House, the reasons which will prevent them from discharging the duty assigned to them. During the early part of the session, resolutions were adopted raising a joint commit-



tee to examine into the frauds alledged to have been committed against the State bank and branches, as well as the misconduct of the officers of those institutions. Subsequently a law was passed through both houses and approved by the Governor, conferring upon that committee, powers adequate to the accomplishment of the ends for which they were appointed, and provided that those powers should continue in force until the 1st of May 1842: under the authority of this act, the committee have been earnestly engaged in the investigation of the several matters assigned to them, and in the examinations already made, they have discovered the existence of a disgraceful league to plunder the banks and swindle the people of the State; men high in office; members of the legislature, and bank directors are supposed to be implicated, and it is believed that disgraceful partiality and management might be shown to have existed in some of the banks. With all these facts before them, the Senate have seen proper to dissolve their portion of the committee. This renders it impossible for us to act efficiently, and we therefore tender our resignation to the House of which we are members.

JEREMIAH CLEMENS,

R. C. McALPIN,

R. JEMISON, Jun'r

T. W. WALKER.

Mr Young also reported or submitted to the House the journal of the committee appointed for the purpose of investigating bank frauds, to be at the disposal of the House of Representatives.

Mr Mitchell from the committee on enrolled bills, reported that they had examined and found correctly enrolled.

An act altering the mode of assessing and collecting the taxes of Sumter county.

On motion of Mr Clemens:

Resolved. That the journal of the joint examining committee on bank frauds, as well as the private memoranda of the members thereof, be forthwith handed to the Governor, with the request that he should retain the same until the meeting of the next Legislature.

Mr Erwin offered the following resolution:

Resolved, That the thanks of this House be tendered to the Hon. David Moore, for the able and impartial manner in which he has discharged the duties of Speaker of this House.

Mr Speaker laid before the House, the annual abstract report of the strength and condition of the militia of this State, from the Adjutant and Inspector General.

Mr Smith of Tascabosa, offered the following protest:

The undersigned members of the House of Representatives, ask leave respectfully to enter upon the journal this their protest against the passage of the bill to enable the joint examining committee on bank frauds, more effectually to prosecute their investigations. we are opposed to the bill because it violates the constitution by giving extraordinary powers of a judicial character to members of the legislative department of the government, which the constitution requires should be kept separate and distinct. It creates judicial offices and fills them with members of the legislature.

The bill was passed under extraordinary circumstances, when the House was laboring under feverish excitement on the subject of bank frauds, and

we believe on that account its provisions were not examined with sufficient care and scrutiny. It was passed through the House with a rapidity inconsistent with wise legislation as we believe.

W. R. SMITH, Of Tuscaloosa,  
W. H. CRENSHAW, Of Butler,  
BENJ. REYNOLDS, Of Franklin.

On motion of Mr Erwin:

Resolved, That the clerk of this House inform the Senate that the House is now ready to adjourn sine die, and have appointed on the part of the House of Representatives, messrs R. C. McAlpin, Erwin and Reynolds a committee on the part of the House to act with such committee as may be appointed on the part of the Senate, to wait upon his Excellency the Governor, and inform him that the two houses of the General Assembly have gone through all the business before them, and are now ready to adjourn sine die, if he has no further communications to make to them.

Message from the Senate by Mr Philpot:

Mr Speaker,—The Senate have concurred in the resolution of the House of Representatives, proposing to appoint a committee to wait on His Excellency the Governor and inform him that the two Houses are now ready to adjourn sine die, and have appointed on their part messrs McClanahan, McVay and Dent to perform that duty.

Mr Mitchell from the committee on enrolled bills reported that they have examined and find correctly enrolled,

An act to prevent frauds in elections.

Mr Erwin from the committee appointed by the two Houses to wait on his Excellency the Governor, made the following report:

The select joint committee appointed on the part of the House to wait upon his Excellency the Governor, and inform him that the two Houses of the General Assembly have completed the business before them, and are now ready to adjourn, unless he has some communication to make, have performed the duty assigned them and received for answer, that his Excellency has no further communication to make to the General Assembly.

The House then adjourned sine die.

DAVID MOORE,  
Speaker of the House of Representatives.

Test,

T. B. FUNSTALL, Clerk.